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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Note by the Secretary-General

1. The Secretary-General has the honour to transmit to the members of the General Assembly the twenty-eighth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted to him in accordance with paragraphs 5, 6 and 7 of Assembly resolution 50/29 A of 6 December 1995. The present report should be considered together with the Special Committee's periodic reports contained in documents A/51/99 and A/51/99/Add.1, which were transmitted to the members of the Assembly on 29 February and 30 June 1996 respectively.

2. The present report contains a summary of articles and reports received during the period covered by the present document. In preparing the report, the newspapers mentioned below have been taken into account. Reference to reports appearing in the Arab press published in the occupied territories is made when they contain relevant material not found in the Israeli newspapers listed below. The terminology used in the report is that found in the original version of the summarized newspaper reports.

Israeli press	Ha'aretz	(Hebrew language daily)
	Jerusalem Post	(English language daily)
Arab press published in the occupied territories	Al-Tali'ah	(Arabic language daily)
	The Jerusalem Times	(English language daily)

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LETTER OF TRANSMITTAL

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories has the honour to transmit herewith its twenty-eighth report, prepared in accordance with General Assembly resolution 2443 (XXIII) of 19 December 1968, by which the Special Committee was established, and resolution 50/29 A of 6 December 1995, the latest resolution by which the General Assembly renewed its mandate.

The present report covers the period from 18 August 1995, the date of the adoption of the twenty-seventh report of the Special Committee, to 20 September 1996. The report is based on written information gathered from various sources, in particular Israeli press reports and articles appearing in the Arab press published in the occupied territories. It also includes oral information received by the Special Committee through testimonies of persons having first-hand experience of the human rights situation in the occupied territories. Written information concerning the period from 19 August to 31 December 1995 is reflected in the periodic report the Special Committee presented to you on 29 February 1996 (A/51/99). Written information concerning the period from 1 January to 31 March 1996 is reflected in the periodic report the Special Committee presented to you on 30 June 1996 (A/51/99/Add.1). These periodic reports have been submitted in accordance with paragraph 6 of General Assembly resolution 50/29 A, in which the Assembly requested the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory.

For the purpose of collecting oral testimonies the Special Committee again organized hearings that were held at Cairo, Amman and Damascus. The Special Committee continued to monitor statements by members of the Government of Israel reflecting the policies of that Government in the occupied territories and reports on measures taken to implement them. The Special Committee further noted the letters addressed to you during the period of the present report relating to its mandate and circulated as documents of the General Assembly, and received information from Governments, organizations and individuals on various aspects of the situation in the occupied territories.

In carrying out its mandate, the Special Committee benefited from the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic and from the cooperation of Palestinian representatives. However, the Government of Israel has continued to withhold its cooperation and has not responded to communications addressed to it in this regard.

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

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In preparing its report the Special Committee has attempted to put before you a composite picture of the realities in the occupied territories as they affect the human rights of the civilian population. By the present letter the Special Committee wishes to draw your attention to a number of aspects that deserve particular mention.

The period covered by the Special Committee's twenty-eighth report follows the signing at Washington, D.C., on 28 September 1995 of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the so-called Oslo II Agreement) and the elections for the Palestinian Council and chairmanship of the Palestinian Authority on 21 January 1996. These historic events were preceded by the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993 and by the signing at Cairo on 4 May 1994 of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area. The signing of the Oslo agreements gave rise to great expectation of the international community that a new era of peace, security and hope would be ushered in for the people of the Middle East, enabling them to live in harmony, dignity and mutual respect. This is the spirit in which the Special Committee has approached its responsibility in carrying out its mandate.

The information contained in the twenty-eighth report of the Special Committee shows that the situation of human rights in the occupied territories has deteriorated remarkably since the beginning of the peace process, contrary to expectations.

By far the most serious aspect of the current situation of human rights in the occupied territories is the significant deterioration in the economic and social conditions stemming from the virtually hermetic closure that was imposed on the occupied territories on 25 February 1996. The closure, which was imposed in the wake of four suicide bomb attacks in Israel in which a total of 63 persons was killed and numerous others wounded, has had particularly adverse consequences on the well-being of the inhabitants of the Gaza Strip. Since both imports and exports were severely curtailed, both agriculture and industry were negatively affected and numerous businesses were closed. Shortages of foodstuffs, medicines and medical supplies as well as building and other raw materials were reported. Economic activity in Gaza is said to have come to a practical standstill. The closure has had particularly harsh consequences for Palestinian workers employed in Israel and their families since it has deprived them of their livelihood. It is believed that Palestinians have been replaced in Israel by some 100,000 licensed and an estimated 100,000 illegal foreign workers.

The closure has severely restricted the freedom of movement throughout the occupied territories, as well as between their parts and Israel. For the first time, an internal closure blocked the movement of the inhabitants of 465 localities in the West Bank. The restrictions imposed on the freedom of movement have had particularly disastrous consequences on health. At least 10 persons requiring emergency medical treatment in well equipped medical facilities in Israel, East Jerusalem or other parts of the West Bank died as a result of unnecessary delays or for not being allowed to cross Israeli security checkpoints. Shortages of vital medical supplies such as oxygen, antibiotics, sterile water and vaccines have been reported. The inhabitants of the Gaza

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Strip were the worst affected by the measures curtailing the freedom of movement.

The closure has also affected students from Gaza studying in educational institutions in the West Bank. In implementation of a new Israeli policy, students from Gaza were expelled from the West Bank and have lost an academic year. Student dormitories were raided at night on 28 March 1996 and several hundred students were arrested and beaten. Upon release, students from Gaza were humiliated by having a sign "To be shipped to Gaza" pinned to their backs. It is estimated that 10 per cent of the student body at Bir Zeit University were expelled after the raid. Students from Gaza have so far not resumed their studies. The restriction on the freedom of movement has also had a negative effect on both Muslim and Christian worshippers in the occupied territories who were unable to gain access to certain holy sites.

The Special Committee has been monitoring closely the situation of Palestinian prisoners detained in prisons and other detention facilities in Israel, in contravention of international humanitarian law. The conditions of detention are reported to have deteriorated further. Overcrowding, bad food and the persistent lack of medical care were cited among the prisoners' complaints. After the suicide bombings, large numbers of arrests have been reported throughout the occupied territories and many of the persons arrested are said to have been placed in administrative detention. In addition, it has been alleged that numerous villages and mosques were raided and that close family members and relatives of persons alleged to have been involved in violent activities against Israel as well as persons affiliated with certain political parties have also been arrested. A number of educational, social and charitable organizations in the West Bank were closed. The Special Committee has been informed that the exceptional dispensation given to General Security Service (GSS) interrogators to exercise physical and psychological pressure, including violent shaking, of detainees has been continuously extended every three months since October 1994.

As a result of the restrictions imposed on the freedom of movement, and given that they are all detained in Israel, it has been reported that Palestinian detainees have not been able to receive family visits and meet with their lawyers. In addition, the Special Committee was informed that large numbers of Palestinian minors are detained in Israeli prison facilities under the same conditions as adults. Although some 2,000 prisoners were released in October 1995 and January 1996 following the signing of the Oslo II Agreement, the number of Palestinian prisoners in Israeli detention facilities remained high and has increased after the recent wave of arrests.

The Israeli authorities demolished nine and sealed a number of houses belonging to the families of the persons involved in the carrying out of the recent violent acts in Israel. Curfews were imposed on numerous localities. A particularly strict curfew was imposed on the Fawwar refugee camp near Hebron from which two of the perpetrators of suicide attacks allegedly originated and severe food shortages were reported. As concerns house demolitions in general, houses built without a licence have continued to be demolished throughout the occupied territories. In August 1996, a Palestinian social institution was demolished, for the first time in the Old City of Jerusalem. However, applications for building licences have been consistently denied to Palestinians.

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One of the continuous and most serious sources of tension in the occupied territories has been the existence and unabated expansion of Israeli settlements in the occupied territories. The policy of the present Government of Israel, which has decided to lift the freeze regarding the building of new settlements as well as the measures already taken with regard to settlement expansion, gives rise for particular concern. Large areas of Arab-owned land have continued to be confiscated since the beginning of the peace process, both for the expansion of settlements and for quarries and the building of bypass roads. The situation is reported to be particularly serious around Jerusalem. The Special Committee has been alerted once again to the precarious situation of the Jahalin Bedouin tribe, which faces forcible eviction from land located in the vicinity of the Maaleh Adumim settlement, with a view to its expansion. Violent incidents between the Palestinian population and Israeli settlers have continued, in particular in Hebron and Jerusalem.

During its visit to the Syrian Arab Republic, the Special Committee visited the province of Quneitra where it observed the destruction caused by Israelis in the town of Quneitra. It heard the testimony of witnesses originating from the occupied Syrian Arab Golan, some of whom were able to go the Syrian Arab Republic while others can communicate with their families across the demarcation line in the Golan only by megaphone. The witnesses informed the Special Committee that the expression of nationalist sentiment by the inhabitants of the occupied Syrian Arab Golan continued to be severely punished and their freedom of movement curtailed. The witnesses also spoke about the continued confiscation of land and water resources, the inadequate educational and health facilities, as well as about the economic difficulties facing the Arab population.

The Special Committee has endeavoured, within the constraints imposed on it, to provide in its periodic reports (A/51/99 and A/51/99/Add.1) and in the present twenty-eighth report a clear picture of the situation of human rights in the occupied territories. The hopes and expectations that have been expressed over the past three years by the population of the occupied territories since the signing of the Oslo agreements have given way to frustration and despair among the overwhelming majority of the inhabitants. It should be recalled that in spite of the agreements cited above, the status of occupation continues. Israel should, therefore, abide by its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other relevant international instruments and fully comply with all universally accepted standards of human rights, in the true spirit of peace.

The Special Committee has once again made a number of recommendations at the end of its report. In addition to those of a general nature, the Special Committee has appealed to Israel to act in conformity with the spirit animating the peace process by giving serious consideration to a number of concrete measures (see conclusions and recommendations).

In conclusion, the Special Committee has observed a general sense of disappointment and despondency in the face of the continuing violations of the human rights of the people in the occupied territories. It would appear that even in the areas where there had been a transfer of limited authorities to the

Palestinian Authority and the Palestinian Council, in view of the impediments placed by Israelis, there had not only not been an improvement in the lot of the Palestinians but an actual deterioration, which has increased their suffering. Unless there is a serious effort to maintain the momentum of the peace process and a commitment to implement the peace agreement on both sides, the important achievements accomplished so far would be lost and the situation of human rights in the occupied territories would deteriorate further and increase the frustration and despair of their inhabitants. All the parties concerned must work together to maintain the momentum and spirit of the peace process that would be conducive to a just, lasting and comprehensive peace in the region and the establishment of a genuine culture of human rights for all its inhabitants. The continuation of the progress in the peace process must be accompanied with full compliance with all relevant United Nations resolutions and all universally accepted standards of human rights.

Accept, Sir, the assurances of my highest consideration.

(Signed) Herman Leonard de SILVA
Chairman of the Special Committee to
Investigate Israeli Practices Affecting the
Human Rights of the Palestinian People and
Other Arabs of the Occupied Territories

I. INTRODUCTION

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968. By that resolution, the Assembly decided to establish the Special Committee, composed of three Member States; requested the President of the Assembly to appoint the members of the Special Committee; requested the Government of Israel to receive the Special Committee, to cooperate with it and to facilitate its work; requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter; and requested the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

2. The Special Committee is composed as follows: Mr. Herman Leonard de Silva, Ambassador, Permanent Representative of Sri Lanka to the United Nations, Chairman; Mrs. Absa Claude Diallo, Ambassador, Permanent Representative of Senegal to the United Nations Office at Geneva; and Dato' Abdul Majid Mohamed (Malaysia).

3. Since October 1970, the Special Committee has submitted 27 reports. 1/ These reports were discussed in the Special Political Committee, which then reported to the General Assembly. 2/ On the recommendation of the Special Political Committee, the Assembly adopted resolutions 2727 (XXV) of 15 December 1970, 2851 (XXVI) of 20 December 1971, 3005 (XXVII) of 15 December 1972, 3092 A and B (XXVIII) of 7 December 1973, 3240 A to C (XXIX) of 29 November 1974, 3525 A to D (XXX) of 15 December 1975, 31/106 A to D of 16 December 1976, 32/91 A to C of 13 December 1977, 33/113 A to C of 18 December 1978, 34/90 A to C of 12 December 1979, 35/122 A to F of 11 December 1980, 36/147 A to G of 16 December 1981, 37/88 A to G of 10 December 1982, 38/79 A to H of 15 December 1983, 39/95 A to H of 14 December 1984, 40/161 A to G of 16 December 1985, 41/63 A to G of 3 December 1986, 42/160 A to G of 8 December 1987, 43/58 A to G of 6 December 1988, 44/48 A to G of 8 December 1989, 45/74 A to G of 11 December 1990, 46/47 A to G of 9 December 1991, 47/70 A to G of 14 December 1992, 48/41 A to D of 10 December 1993, 49/36 A to D of 9 December 1994 and 50/29 A to D of 6 December 1995.

4. The present report has been prepared in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII), 3092 B (XXVIII), 3240 A and C (XXIX), 3525 A and C (XXX), 31/106 C and D, 32/91 B and C, 33/113 C, 34/90 A to C, 35/122 C, 36/147 C, 37/88 C, 38/79 D, 39/95 D, 40/161 D, 41/63 D, 42/160 D, 43/58 A, 44/48 A, 45/74 A, 46/47 A, 47/70 A, 48/41 A, 49/36 A and 50/29 A.

II. ORGANIZATION OF WORK

5. The Special Committee continued its work under the rules of procedure contained in its first report to the Secretary-General. 3/

6. In its resolution 50/29 A, the General Assembly:

> "5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;
>
> "6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory;
>
> "7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967".

7. Mrs. Absa Claude Diallo replaced Mr. Ibra Déguène Ka as the representative of Senegal on the Special Committee as at 6 June 1996.

8. The Special Committee held the first of its series of meetings from 28 to 29 February 1996 at Geneva. The activities of the Special Committee during those meetings are reflected in document A/51/99 (paras. 2-6).

9. The Governments of Egypt, Jordan and the Syrian Arab Republic as well as the Observer for Palestine subsequently responded to the Special Committee's request for cooperation (see A/51/99 (para. 4)), reconfirming their readiness to continue cooperating with the Special Committee. As in the past, the Government of Israel did not respond to the request for cooperation of the Special Committee.

10. The Special Committee held a second series of meetings at Geneva (20 June 1996), Cairo (22-23 June 1996), Amman (25-27 June 1996) and Damascus (28-30 June 1996). At those meetings, the Committee examined information on developments occurring in the occupied territories between January and March 1996. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate. At Cairo, Amman and Damascus the Special Committee heard the testimonies of persons who had just returned from or were living in the Gaza Strip, the West Bank and the occupied Syrian Arab Golan and concerning the situation in those territories.

11. At Cairo, the Special Committee was received at the Ministry of Foreign Affairs by Mrs. Naila Gabr, the head of the Human Rights Department. It also met with Mr. Isham Shokeir, the deputy head of the Department for Palestinian Affairs. In addition, the Committee visited the Palestine Red Crescent Hospital where it heard the testimony of several patients, residents of the territories. While at Cairo, the Committee also had the opportunity to hear witnesses from the West Bank and Gaza.

12. At Amman, the Special Committee was received by the Director-General of the Department of Palestinian Affairs of the Ministry for Foreign Affairs, Mr. Ibrahim Tarshihi, and was informed about the most recent developments in the occupied territories. During its stay at Amman, the Committee also met with the Under-Secretary in the Department for Social Affairs of the Palestinian Authority, Mr. Thiab Ayyoush, and with Mr. Zuhair Sandouqa, the Director of the International Parliamentary Relations Department of the Palestinian National Council, and other representatives of the Palestinian National Council. While in Jordan, the Committee visited the King Hussein Bridge, where it heard the testimony of Palestinians who had just crossed over from the West Bank.

13. At Damascus, the Special Committee was received by the Minister of State for Foreign Affairs, Mr. Nasser Kaddour. It also met with Mr. Taher Al-Husami, Director of the International Organizations Department, and Mr. Bashar Jaafari, International Organizations Department, Ministry of Foreign Affairs, and was presented with a report concerning the human rights situation in the occupied Syrian Arab Golan. During its stay in the Syrian Arab Republic, the Committee visited Quneitra province, bordering the occupied Syrian Arab Golan, where it heard the testimony of a number of witnesses. It met with the Governor of Quneitra and other high-ranking officials of the province and was presented with the Quneitra province report about the Israeli violations of human rights in the occupied Syrian Golan for 1996.

14. The Special Committee examined and completed a periodic report (A/51/99/Add.1) updating information contained in its previous periodic report (A/51/99). It decided that any further information and evidence relevant to its mandate would be reflected, together with its conclusions, in the present report.

15. On 30 June 1996, the Chairman of the Special Committee transmitted to the Secretary-General its periodic report covering the period from 1 January to 31 March 1996 (A/51/99/Add.1). That report was based on written information gathered from various sources among which the Special Committee had selected relevant excerpts and summaries, which were reflected in the report.

16. The Special Committee met again at Geneva from 16 to 20 September 1996. At those meetings, the Committee examined information on developments occurring in the occupied territories from April to September 1996. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate, as well as records of testimonies collected during its previous series of meetings. It examined and completed the present report on 20 September 1996.

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III. MANDATE

17. The General Assembly, in its resolution 2443 (XXIII), entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States.

18. In its resolution 44/48 A, the General Assembly decided to change the name of the Special Committee to "Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

19. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the occupied territories.

20. In interpreting its mandate, the Special Committee determined that:

(a) The territories to be considered as occupied territories referred to the areas under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula. Following the implementation of the Egyptian-Israeli Agreement on Disengagement of Forces of 18 January 1974 and the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974, the demarcation of the areas under occupation was altered as indicated in the maps attached to those agreements. The areas of Egyptian territory under Israeli military occupation were further modified in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, which was signed on 26 March 1979 and came into force on 25 April 1979. On 25 April 1982, the Egyptian territory remaining under Israeli military occupation was restituted to the Government of Egypt in accordance with the provisions of the aforementioned agreement. Thus, for the purposes of the present report, the territories to be considered as occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally a resident in the areas that were under occupation but who had left those areas because of the hostilities. However, the Committee noted that resolution 2443 (XXIII) referred to the "population" without any qualification as to any segment of the inhabitants of the occupied territories;

(c) The "human rights" of the population of the occupied territories consisted of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII), the Special Committee was also required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories, and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that came within the scope of investigation by the Special Committee referred, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" referred to those actions which, irrespective of whether or not they were in implementation of a policy, reflected a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

The geographical names as well as the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

21. Since its inception the Special Committee has relied on the following international instruments in interpreting and carrying out its mandate:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights;

(c) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; 4/

(d) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949; 5/

(e) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954; 6/

(f) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land; 7/

(g) The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. 8/

22. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs, the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights, as well as the relevant resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO).

IV. INFORMATION AND EVIDENCE RECEIVED BY THE SPECIAL COMMITTEE

23. In the course of carrying out its mandate, the Special Committee has relied on the following sources:

(a) The testimony of persons with first-hand knowledge of the situation of the population in the occupied territories;

(b) Reports in the Israeli press, including of pronouncements by responsible persons in the Government of Israel;

(c) Reports appearing in other news media, including the Arab language press published in the occupied territories, in Israel and the international press.

24. The Special Committee also received written statements from the Governments of Jordan and the Syrian Arab Republic, as well as from the Palestinian Authority and Palestinian National Council. No communications were received from the Government of Egypt during the current reporting period.

25. The Government of Jordan provided the Special Committee on 26 June 1996 with a summary of Israeli violations of human rights submitted by the Department of Palestinian Affairs at the Ministry of Foreign Affairs. The report indicated, inter alia, that:

> "In spite of progress achieved in the peace process at the Israeli-Palestinian level and in spite of the Israeli army's withdrawal from most of the towns, villages and camps in the West Bank last December, the Palestinians living in most of the areas under the Palestinian National Authority are suffering from a series of collective punishments imposed by the Israeli authorities."

The report focused on the policy of closure, mass arrests, administrative detention, martyrs, demolition of houses, confiscation of land and the construction of settlement roads. Regarding closures, the report stated:

> "In 1996, the extent of the closures was expanded since the areas under the Palestinian National Authority were regarded as closed military zones and their inhabitants were prevented from leaving their towns, villages and camps."

With regard to arrests, the report indicated, inter alia, that:

> "Israeli forces carried out a number of search operations affecting dozens of towns, villages and camps in the West Bank under various pretexts, including the search for 'wanted' young Palestinians or the need to 'discipline the population' of areas from which operations against Israeli targets were launched."

The report also stated:

> "Since the Israeli army's withdrawal from the areas under the Palestinian National Authority, the Israeli authorities have been arresting Palestinians at the borders and crossing points and sending them for trial before Israeli military courts."

As concerns the situation of detainees, the report indicated, inter alia, that:

> "Of the estimated 8,000 detainees in Israeli prisons, about 5,000 were detained after the suicide operations that were carried out in Israel in February 1996. On 14 January 1996, the Israeli Supreme Court authorized, for the first time, the use of physical violence and the method of 'severe shaking' during the interrogation of Palestinian detainees."

In addition, the report indicated that:

> "In the first half of the present year, the Israeli authorities confiscated 20,573 dunums of land, in addition to other unspecified areas of land, in the West Bank."

And that:

> "In the first half of 1996, the Israeli authorities confiscated large unspecified areas of land in the West Bank for the construction of 15 settlement roads. So far, bypass roads have been constructed in the areas of Jericho, Nablus, Jenin, Ramallah, Tulkarm, Bethlehem and Hebron."

26. The Government of the Syrian Arab Republic has provided the Special Committee with a report prepared by the International Organizations Department of the Ministry of Foreign Affairs, which deals in particular with Israeli practices in the occupied Syrian Arab Golan. The report indicated, inter alia, that:

> "Day after day, life is becoming harder and more miserable for the Arabs of the Golan as a result of acts of repression and persecution suffered at the hands of Israeli occupation authorities. Such acts include a ban on individual and public freedoms along with acts of injustice as well as actions that are degrading to human dignity. Long and short prison sentences are meted out arbitrarily to anyone who dares to protest against acts of repression or persecution directed against him."

The report indicated further that:

> "The Israeli Military Governor has the authority to impose regional curfew whenever he deems necessary for any reasons and for any period of time. He can also place whomever he wants under house arrest and order the arrest of whomever he suspects. Other repressive measures include excessive beatings, opening fire with live ammunition on demonstrators, storming houses and schools and the detention of citizens for the most

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> trivial of reasons. Such practices have become part of the horrific daily reality of the life of the people in the occupied Syrian Golan ever since the aggression of June 1967. In the years between then and 1995, a total of 1,300 Syrian citizens, that is 10 per cent of the population, were detained and charged with resisting the occupation."

In addition, the report stated that:

> "Other human rights violations by Israeli occupation authorities in the occupied Syrian Golan include the imposition of excessively cruel punishments and long prison sentences on Syrian Arab citizens opposed to occupation. At the time of preparing this report, i.e. on 30 May 1996, there were 14 Syrians serving long-term prison sentences of up to 37 years. Some of these young men were arrested as far back as 1985."

Besides detailed information about prisoners and conditions of detention, the report also contained information, inter alia, about the administration of justice in the occupied Syrian Golan, the economic pressures to which the population is subjected by the Israeli occupation authorities, and about practices causing environmental degradation. The report concluded that:

> "The overview of the situation of human rights in the occupied Syrian Golan, which this report has attempted to give, is based on the latest and most reliable information on the subject. It leads us to conclude that the human rights situation prevailing in the occupied Syrian Golan during the review period was grave."

The Governor of Quneitra province also provided the Special Committee with a report about the Israeli violations of human rights in the occupied Syrian Golan for 1996. The report indicated, inter alia, that:

> "The inhuman Israeli practices include the various material, political, cultural and social situations of the Arab citizens in the occupied region of the Syrian Arab Golan, not to mention the continuity of settlement policy, advancing to the Arab territories, destruction of building, theft of antiquities, investment and seizure of lands, natural resources and water sources."

The report also stated that the occupation authorities were still preventing the visits of the families and relatives of their homeland, Syria, that as per the data of the Israeli settlement department (published on 22 December 1994) the settlers of the Golan, who are Israeli, increased during the above year about 10 per cent, which means an increase of about 1,500 settlers. In addition, the report focused on the economic pressures on the population and stated that the only room of work for Golan workers, which was known as "Black Work", was hard labour such as cleaning works and building works and so on, and dwelt on the situation regarding education and health. The report indicated that:

> "The situations of the Syrian Arab citizens in the Golan under the Israeli occupation are a daily continuous suffering as a result of the inhuman practices done by the occupation authorities by violating the simplest principles of right, justice and violation of human rights."

27. The Special Committee also received documents submitted in Jordan by the representatives of the Palestinian Authority and the Palestinian National Council. Among these documents, mention can be made of the reports by the Ministry of Transportation of the Palestinian Authority containing a survey of Israeli settlements in the West Bank and Gaza Strip, and of the report by the Ministry of Health of the Palestinian Authority on the Palestinian Health Status entitled "Annual Report 1995 Palestine". The report deals with the issues of demography, mortality measures, primary health care, secondary health care, health manpower, human resource development, research and projects. The Special Committee also received a report dated 14 March 1996 by the Ministry of Health of the Palestinian Authority in Nablus entitled "The Consequences of the Closure on Access to Essential Health Services in Palestine". The report was published on the eleventh day of the "continuous total closure imposed by the Israeli Authorities" on Palestinian cities, towns and villages. According to the report:

> "The closure entails: confinement of all Palestinians each to his/her place of living and denial of exit from it. Including denial of access to essential medical services and to food supplies; Denial of all Palestinians access to Israel, including access to essential medical services not available in Palestine as a result of the 28 years of occupation; Denial of all Palestinians access to travel abroad irrespective of the purpose; A standstill of all trade and business activity between the different towns and villages; and Loss of sources of living for several hundreds of workers."

The representative of the Palestinian National Council submitted a report on land confiscation, settlements and Israeli practices that prevent Palestinians from exercising their legitimate rights. The report contains, inter alia, information on the plan of the Israeli authorities to "Judaize" Jerusalem, the economic situation in the City, provocative acts by settlers, restrictions imposed on the freedom of movement between the Gaza Strip and the West Bank of the members of the Palestinian National Council as well as on the situation of detainees.

28. In addition, the Special Committee received written information from intergovernmental organizations such as relevant specialized agencies, United Nations organs and regional organizations, as well as non-governmental organizations, individuals and Governments on the situation in the occupied territories. At its meetings, the Committee had before it communications referred to it by the Secretary-General from sources outside and inside the occupied territories. Where necessary, the Committee has followed up information contained in those communications.

29. The Special Committee undertook a series of hearings at Cairo, Amman and Damascus during its meetings from 22 to 30 June 1996. At those meetings, the Special Committee heard the testimony of 26 persons having first-hand knowledge of the human rights situation existing in the occupied territories. Those testimonies are contained in documents and are reflected in the present report.

30. The Special Committee has taken particular care to rely on information appearing in the Israeli press that has not been contradicted by the Government of Israel.

31. The following paragraphs contain a summary of the information examined by the Special Committee divided as follows:

(a) General situation;

(b) Administration of justice, including the right to a fair trial;

(c) Treatment of civilians;

(d) Treatment of detainees;

(e) Annexation and settlement;

(f) Information concerning the occupied Syrian Arab Golan.

32. This information has been divided into oral evidence and written information. In order to comply with restrictions on the volume of documentation now enjoined upon United Nations reports, the Special Committee has endeavoured to present the information in the most compact and concise form possible. Oral evidence, for which a full record of testimonies is available in documents A/AC.145/RT.690-691 and Add.1, A/AC.145/RT.692-695 and Add.1, A/AC.145/RT.696-697 and Add.1, A/AC.145/RT.698 and A/AC.145/RT.701, has been condensed to a general indication of the contents of such records. The report also attempts to summarize written information. That information is reflected in more detail in documents of the Special Committee, which are available on file in the Secretariat.

A. General situation

1. General developments and policy statements

33. The Director-General of the Addameer Prisoners' Support Association from the Gaza Strip described the current situation in the Palestinian territories in the following manner:

> "Before I start my statement, I would like to make it clear to you that there is a particular atmosphere reigning in the Palestinian territories, now, after the Agreements. The Palestinian people were very optimistic at the beginning, right after the signing of the Declaration of Principles between the Palestine Liberation Organization and the Government of Israel. Then, unfortunately, the optimism started receding - in fact, it has practically vanished. The current statement we hear from Palestinians now is that peace has brought nothing but hunger and poverty. Peace has not liberated our prisoners and our detainees. Peace has made us be put in closed areas, from which we cannot move. There are more restrictions and more Israeli pressures.
>
> "In other words, the situation in those various Palestinian areas is extremely complex - complex in terms of a national Palestine Authority in name only, whereas in effect those Palestinian areas fall under the jurisdiction of all the Israeli military orders that were in effect before the Agreement and remain applicable now.
>
> "Israel intervenes and interferes in matters of internal Palestinian security, even in the Palestinian areas. In those areas, Israel continues to arrest people, to detain people, to kill, to confiscate territory, to close, and that is in addition to the various practices used by the settlers against the Palestinians, practices that in certain cases can reach to opening fire on Palestinians. This has not happened in Hebron only, but it has also happened in Gaza, in particular in Khan Younis, and this has happened more than once.
>
> "As I said in the beginning, even excesses taking place in areas under the Palestinian Authority are the result of the heritage and the vestiges of occupation and the influence of Israel." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

34. Mr. Dahman also provided the Special Committee with background information and figures regarding the duration of the closures imposed on the occupied territories:

> "During the intifada years, when pressure on the occupation authorities was considered to be at the highest, especially during the first two years, the occupation authorities did not systematically resort to the closure and the sealing of the areas. From April 1988 to April 1993, the days of closure for the whole period did not exceed 58 days - with the exception of the Gulf War crisis, which resulted in 41 days of closure. So, in total we are talking of 99 days of closure for the territories during those years.

> "On the other hand, we find that since 1994 until 8 March 1996, the closure days amount to a total of 270. So, we have a shorter period of time, but longer periods of closure. The longest period of closure in the past years, that is to say before the signing of the Declaration of Principles, amounted to 19 days, if we exclude the Gulf War crisis. But now, we are in the fourth month of closure, it is still in effect and nobody knows how long it is going to continue. In 1995 alone, the Palestinian areas were closed for a total of 115 days. In 1996, from February until now, the closure has been maintained." (Ibid.)

35. The Director-General of the Addameer Prisoners' Support Association spoke to the Special Committee about the general effects of the closure of the occupied territories:

> "Now, tangible Israeli practices and violations can be summarized as follows: closures, embargoes, for workers, trade, building materials, food. Health is affected, that is the transport of patients to hospitals, either to Israel or to other Arab countries.
>
> "The closures have also affected detainees, in terms of visits, be they visits by their families or visits by their lawyers. For the fifth month running, detainees have not been able to receive visits from their family members." (Ibid.)

36. Mr. Dahman described the explanations given for the reasons behind the imposition of the closure:

> "Well, coming back to the closures, I shall not speak about the political objectives, I shall not speak about the purpose of all this, I'll only explain that the justification for it, namely the explosions, is completely false. The fallacy has become very clear. The maintenance of public order and security, as they say, is a pretext. The explosions have only given them a pretext and a justification for certain practices." (Ibid.)

37. Mr. Dahman summed up the situation in the occupied territories since the beginning of the peace process:

> "Let me summarize what I have said at the beginning, namely that we feel bitterness and pain that the Palestinian people cannot experience any positive effects in terms of day-to-day life, after the signing of the Agreement as a result of the Declaration of Principles.
>
> "I feel bitterness and I feel pain when I see that peace has not liberated our children who are still in prison, has not given us freedom - rather, it has made of us people living in one big detention centre. We are all detained. We are all prisoners. Peace has brought hunger upon us. We look with fear, trepidation and concern at all those excesses, because they do not happen under normal conditions of occupation, but more so, they come after peace has been initiated!

> "That is going to have extremely grave consequences. Still, I hope it will be averted." (Ibid.)

38. A representative of the Palestinian Centre for Human Rights provided the following information about the closure of the occupied territories:

> "Although Israel invokes the necessity of security for imposing the closure, we do not believe that it increases security for Israel and achieves the purpose of security. As I said, the closure was imposed on 25 February 1996 because and under the pretext of military actions carried out by some Palestinian groups. It is not known whether the perpetrators of these actions are from the territory under the Palestinian Authority or from the territory under the Israeli authority. Nonetheless, a total closure was imposed on both Gaza and the West Bank. In spite of the closure, three further military operations were carried out one week later. That in itself undermines the idea of a link between the closure and security.
>
> "The closure has negative effects on all aspects of life in the territories. We believe that this constitutes a form of collective punishment within the frame of the systematic policy pursued by the Israeli authorities against the Palestinian people. We do not believe that a closure has anything to do with security." (Mr. Hamdi Shaqqura, witness no. 20, A/AC.145/RT.697/Add.1)

39. The same witness described the wide-ranging effects of the current closure:

> "The Israeli Government every now and then imposes a blockade and restricts movement of people and goods. The most recent such blockade imposed on 25 February 1996 has been the most severe one. It is a total closure. The sick are prevented from leaving the Gaza Strip to go to other hospitals. Students are kept from going to their universities in the West Bank or outside the country. Thousands of Palestinian workers are prevented from going to their place of work (there were 22,000 of them who worked in Israel before the closure). Also, the movement of goods is stuck, in the sense that all imports to the Gaza Strip have stopped - and imports are vital for the Gaza Strip - and all exports as well. The Palestinian detainees moved to the Israeli prisons were denied all visits. This is of course a violation of international agreements that prohibit the transfer of detainees from the occupied territories to Israeli prisons." (Ibid.)

40. One witness told the Special Committee about his apprehensions regarding the international image of Palestinians:

> "Internationally, the Israelis are trying to distort our image. They are trying to portray the Palestinians as terrorists and that even under Palestinian rule, the Palestinians are still engaged in terrorism. This is something that is upsetting us." (Anonymous witness no. 3, A/AC.145/RT.690)

41. A witness from the Gaza Strip expressed the following view regarding the current situation of Palestinians:

> "So, all the practices carried out by Israel against the Palestinian people may be attributed to the circumstances of the occupation." (Mr. Ibrahim Khamis Shehada, witness no. 7, A/AC.145/RT.692)

42. He described the feeling among Palestinians regarding the Oslo Agreements:

> "The Palestinians feel that this Agreement has made life worse and more difficult. People now say that occupation is better than what we have now, despite the fear, the arrests, the murders we suffered. Why all this? We want to have food." (Ibid.)

43. This is how a witness described the situation regarding Israel and the occupied territories:

> "In addition, the Israeli authorities constitute a military occupation authority and resort to racial discrimination, because Israel has declared itself a Jewish State. Therefore, in all acts of Israel, it is clear that policies and programmes are being drawn in order to support the Jewish precedence at the expense of the Arab presence in Palestine.
>
> "So, we are suffering military occupation and racial discrimination at the same time." (Mr. Abdel Rahman Abu Arafeh, witness no. 10, A/AC.145/RT.694)

44. A witness from Jerusalem told the Special Committee about the effects of the current closure:

> "This closure, I believe, has been the most difficult situation since 1967. Before this closure, I myself felt the occupation professionally, looking at my friends, colleagues and relatives. But today, every Palestinian feels that he, himself as a person, is under occupation. It is affecting the personal life of each person." (Anonymous witness no. 8, A/AC.145/RT. 693)

45. Another witness stated how he viewed the curbing of Palestinian activities in Jerusalem:

> "The Israeli attempts to prevent Palestinian participation and presence during the conference stress once more that there is a contradiction between decision making and attempts made to strengthen Palestino-Israeli relations." (Mr. Salah Haj Yehya, witness no. 12, A/AC.145/RT.694)

46. The following view was expressed about the reasons for the imposition of the closure on the occupied territories:

> "When however observing the nature and the volume of the measures taken by the Israeli authorities, it appears that one cannot but come to the conclusion that security and the protection of security is perhaps the

> last aspect on the mind of the Israeli authorities. Rather, it seems that Israel has exploited these events (carried out by individuals or organizations the influence of which is quite limited) in order to impose a situation of collective punishment against all Palestinian citizens, without exception as to geographical location, age or religion. All Palestinians, old and young, men and women, Muslims and Christians, all have been exposed to the consequences of the measures taken by the Israeli authorities." (Ibid.)

47. A witness described the way he saw the current situation in the occupied territories:

> "What more than the demolition of houses? What more than the confiscation of land, the uprooting of the olive trees? Destruction, putting people in jail, putting women in jail, putting children in prison, what more than that would you like to hear? There is nothing called independence as far as we are concerned. We have not lived that, we have not seen that. Any person whom they want to detain, they just pick up simply, put in prison and lock the person up. And that is it.
>
> "Any time, any place, any person whom they would like to take, they would drag away in front of the Palestinian Authority. What can the Palestinian Authority do?
>
> "God willing, it is our hope that the situation will improve. But currently there is no improvement, nothing has changed. There is one little change: we see a little bit less of the Israel Defence Forces in the towns and in the villages. That is all. If two people quarrel together and one of them just points to the other he has quarrelled with, towards the IDF, the IDF would come and drag them away in front of the very eyes of the Palestinian Authority and take them to prison." (Anonymous witness no. 17, A/AC.145/RT.695/Add.1)

48. Another witness described to the Special Committee the current daily life in the occupied territories:

> "As far as our daily life is concerned, I would say it is bad. This can be attributed to the closure and to the checkpoints, as well as to lack of work opportunities in the Gaza Strip." (Anonymous witness no. 4, A/AC.145/RT.691)

49. The Special Committee received the following information about the decision of the Israeli authorities not to grant compensation regarding Palestinians who were killed or injured during the uprising:

> "Maybe you have heard much about the question of compensation. But what is new is the following: on 3 November, a special committee chaired by Mr. Shimon Peres took the decision to stop the payment of compensations to thousands of Palestinians who had been killed or wounded by the Israeli authorities during the intifada. This constitutes a violation of norms internationally accepted regarding the compensation of victims of war and other violations.

> "I wish to indicate that there is an important number of victims and that a lot of property has been damaged as well, as a result of the presence and practices of the Israeli forces in the Palestinian territory.
>
> "Israel has continued prevaricating, procrastinating, ignoring and dragging its feet on the question of the claims submitted by victims or families of victims. We do not deny that, in certain cases, payments have been made when the authorities found themselves compelled to pay and compensate victims.
>
> "I do not look at compensation in material terms, I rather view compensation, when it is paid, as an acceptance of responsibility and an acceptance of responsibility for acts committed against the victims. That is what is important in this respect." (Anonymous witness no. 19, A/AC.145/RT.697)

50. The Database Coordinator of the Al-Haq human rights organization stated the following with regard to the current situation in the occupied territories:

> "It is believed that following the signing of the peace agreement between Israel and the Palestinians, the situation of human rights in the territories has improved. This is not the case. In fact, it is deteriorating and violations do go on aiming at the destruction of Palestinian structures." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

51. The representative of the Israeli human rights organization B'tselem spoke about the situation in the occupied territories after the peace agreement:

> "The situation after the peace agreement has become worse. The number of workers in employment has greatly decreased. The number of students studying at the universities in the West Bank has also dropped. The economic situation in the occupied territories has reached point zero. It has greatly deteriorated, so much so that the Palestinians today do not have the ability to earn a living." (Mr. Bassem Eid, witness no. 22, A/AC.145/RT.698)

52. A witness from Gaza expressed the following about the current situation:

> "I hope that our testimonies will be heard and that solutions will be found to our problems. We respect this United Nations Committee and believe in its ability to do something - not everything, at least something - for the Palestinians, who suffer too much. Much more than what is written in the newspapers and said on the radio. More, more, much more. Anyone who wants the truth must see it with his own eyes. If you see the refugee camps, they are a testimony for everything. The streets too narrow for the coffin of a dead man. Is this normal?" (Mr. Omar Khalil, witness no. 5, A/AC.145/Rt.691)

53. Accounts of the general situation prevailing in the occupied territories may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691 (anonymous witness),

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A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh), A/AC.145/RT.694 (Mr. Salah Haj Yehya), A/AC.145/RT.695/Add.1 (anonymous witness), A/AC.145/RT.697 (anonymous witness), A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura) and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

54. On 1 April 1996, Palestinian Authority President Yasser Arafat stated in a letter to the Secretary-General of the League of Arab States (LAS) that the collective punishment inflicted on Palestinians, the refusal of the Israeli army to withdraw from Hebron and the Israeli army's presence in areas from which it had previously withdrawn constituted a declaration of war against the Palestinian people. Mr. Arafat appealed to the Arab League for support and urged it to demand that the United Nations Security Council intervene in order to put an end to the closure. (Jerusalem Post, 2 April)

55. On 2 April, Iz Adin el Kassam, the military wing of Hamas, threatened to renew its suicide bombings in retaliation against the repressive measures taken against the Islamic organization by Israel and the PLO. In response to the threats, Israel stepped up security around the Gaza Strip and in large areas of the West Bank. (Ha'aretz, 3 April)

56. On 2 April, some 1,000 residents from Hebron took part in a demonstration to protest against the delay in the redeployment of the Israel Defence Force (IDF) in the town and the continuation of the closure. The demonstrators carried banners reading "Yes for peace, no for occupation", "Stop the siege and the starvation", "Yes for the implementation of the Interim Agreements" and "No peace with settlements". Hebron Mayor Mustafa Natshe accused Israel of violating the Oslo Accords by reneging on its commitment to withdraw from Hebron by 28 March and protested against Israel's intention to confiscate agricultural land for the construction of bypass roads. (Ha'aretz, 3 April)

57. On 5 April, it was reported that since the Dizengoff Street suicide bombing, the IDF had arrested more than 650 Islamic Jihad and Hamas activists in the West Bank, more than 200 of whom had been placed under administrative detention. During the operations, the IDF seized inflammatory material as well as hundreds of makeshift weapons, including knives, axes, old revolvers, explosives and old mines. (Ha'aretz, 5 April)

58. On 5 April, it was reported that the Israeli Ministry of the Interior had decided to revoke the identity cards of Jerusalemites living outside the City limits. (The Jerusalem Times, 5 April)

59. On 7 April, the IDF revealed that on 12 March it had detained a 24-year-old Palestinian medical student from the Jabaliya refugee camp (Gaza Strip) on suspicion of his being an Iranian-trained Islamic Jihad "terrorist". The Palestinian reportedly told the General Security Service (GSS) that the purpose of his training was to carry out an attack against Israeli targets. (Ha'aretz, Jerusalem Post, 8 April)

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60. On 8 April, the IDF and intelligence sources warned that "terrorists" from the Gaza Strip might carry out suicide attacks in Israel. In response to the warnings, the IDF in the Gaza Strip and the West Bank was placed on high alert. According to the security sources, more than 800 Hamas and Islamic Jihad activists had been arrested during a series of operations in the territories since the latest Tel Aviv suicide bombing. One security source indicated, however, that despite the extensive wave of arrests, the Hamas and Islamic Jihad were continuing their activities and it could not be affirmed that their infrastructure had been damaged. The IDF stressed that Hamas was operating from the West Bank, especially from Hebron, as well as from the autonomous regions. (Ha'aretz, 9 April)

61. On 12 April, it was reported that according to recent official statistics prepared by the Israeli Ministry of the Interior, the number of settlers living in the self-rule areas had increased from 112,000 four years ago to 147,000 settlers in 1995. The increase, estimated at 31 per cent, has been higher under the Labour Government than has been the case under any previous Israeli Government. (The Jerusalem Times, 12 April)

62. On 16 April, the Israeli Prime Minister Shimon Peres stated that the closure of the Palestinian lands would not be lifted but could be eased. Peres explained that the Israeli intelligence services continued to receive information concerning plans for suicide bombings. (The Jerusalem Times, 19 April)

63. On 17 April, the IDF made five arrests in the Jenin and Bethlehem areas as part of its continued crackdown on Hamas activists. (Ha'aretz, 18 April)

64. On 24 April, the Palestinian National Council voted by 504 votes to 54 with 14 abstentions to annul the articles in the Palestinian National Charter that opposed Israel's existence. The move called for the cancellation of all the clauses in the National Covenant that go against the commitments under taken by the PLO in the Letters of Mutual Recognition exchanged with Israel. The vote empowered a legal committee to draw up a completely new charter within six months. Ten articles in the Charter were said to be clearly opposed to Israel's existence while a number of others were anti-Israeli by implication, although not explicitly calling for its destruction. (Ha'aretz, The Jerusalem Post, 25 April; also referred to in The Jerusalem Times, 26 April)

65. On 24 April, the Palestine National Council approved the draft for changes in the National Covenant. (The Jerusalem Times, 26 April)

66. On 26 April, it was reported that the Israeli Minister of the Interior, Saleh Tarif, had confirmed that the Residency Law of Israel had not been amended. The Arab residents of East Jerusalem whose identity cards had been withdrawn without legal reasons being given had to go to the Ministry of the Interior to find out what the reasons were. If the reasons cited were illegal, the case would be reviewed. Tarif made it clear that a person whose permanent place of residency was Jerusalem and who worked outside Israel would not lose the right of residence. The case also applied to his family. (The Jerusalem Times, 26 April)

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67. On 1 May, former Likud Defence Minister Ariel Sharon suggested that Hebron's Jewish quarter should be annexed to the Kiryat Arba settlement. He also demanded that the IDF retain security control over all of Hebron and leave only the civilian control to the Palestinians. In addition, Mr. Sharon blamed Palestinian Authority President Yasser Arafat of not acting against "terrorism", stating that he fulfilled every criterion of what constitutes a war criminal. Mr. Sharon made his statements while on a visit to Hebron following the stabbing of an elderly Jewish settler by a Palestinian in the town casbah. (Jerusalem Post, 2 May)

68. On 1 May, the Israeli Prime Minister, Shimon Peres, announced that redeployment in the town of Hebron would be gradual, both as regards dates and procedures. A military source indicated that the process of evacuation would be undertaken in three stages. In the first, Norwegian observers would be deployed in the area. In the second, shortly after the Israeli elections, civil authority would be transferred to Palestinians. In the third stage, Palestinian police would enter the town, working alongside with the Israeli forces. (The Jerusalem Times, 3 May)

69. On 5 May, the three years of final status negotiations envisaged by the peace accords began officially in Taba. The substantive issues on the agenda were Jerusalem, settlements, refugees, political status, water distribution and final borders. (Jerusalem Post, 5 May)

70. On 5 May, it was reported that more than 4,000 Hamas and Islamic Jihad activists had been rounded up since the IDF began its extensive campaign of arrests three months earlier. Some of the detainees were placed under administrative detention while others were being interrogated by the GSS. (Ha'aretz, 5 May)

71. On 5 and 6 May, the Israeli authorities arrested 14 Palestinians suspected of being members of organizations affiliated with Palestinian opposition in the areas of Hebron, Nablus and Tulkarm. (The Jerusalem Times, 10 May)

72. On 7 May, the Palestinian Authority transferred to the IDF and the police some 30 explosive devices it had gathered during searches among supporters of Islamic organizations. Dozens of explosives, old weapons, grenades and other arms were reported to have been transferred to Israel by the Palestinians over the previous year. (Ha'aretz, 8 May)

73. On 7 May, the right-wing Likud party released its platform in preparation for the upcoming Israeli general elections. The platform began with the declaration that the right of the Jewish people to the land of Israel was eternal and inalienable as was the Jewish people's right to security and peace. Zionism was described as the national liberation movement of the Jewish people and fulfilment of Zionist goals would be given top priority. Immigration to Israel would be increased while the decision to freeze settlements in the territories would be rescinded and settlement activities enhanced. Peace, according to the opening part, would become the central objective for the Government, which would negotiate directly with Arab States in order to achieve peace. However, security was to be considered as the basis without which a lasting peace in the region could not be possible. Israel would therefore make

certain that security was maintained as a primary condition for any peace arrangement. The IDF and the security forces would enjoy, whenever necessary, free latitude everywhere in their struggle against terrorism. Vital security and settlement areas would remain under full Israeli control. The Likud Government would respect international agreements, would continue the diplomatic process in quest of a just and lasting peace, would recognize the facts created on the ground by previous agreements and would strive to minimize the dangers inherent in those agreements to Israel's future and security. The Likud Government would negotiate with the Palestinian Authority in order to arrive at a final status agreement on condition that the Authority fully live up to all its undertakings and in particular nullify completely and unequivocally those clauses of the Palestinian Covenant calling for Israel's destruction, prevent terrorism and put an end to incitement against Israel. The Likud Government would enable Palestinians to freely run their own affairs within the framework of an autonomy. Foreign relations, security and other matters that require coordination would remain under Israeli control. The Likud Government would oppose the creation of an independent Palestinian State. Israel would retain vital water resources in Samaria and Judea (West Bank). Employment opportunities would be developed in the autonomous areas in order to reduce the number of Palestinians working in Israel. Jerusalem, united and indivisible, was Israel's capital. The Likud Government would outlaw any activity aimed at undermining that status of the City. PLO and Palestinian Authority institutions in Jerusalem, including Orient House, would be closed. The Golan Heights would remain under Israeli sovereignty. (Ha'aretz, Jerusalem Post, 8 May)

74. On 10 May, it was reported that the Israeli Prime Minister, Shimon Peres, had announced a delay of the Israeli withdrawal from Hebron. The Prime Minister also insisted on Israel retaining full control of the Ibrahimi Mosque. (The Jerusalem Times, 10 May)

75. On 10 May, the Israeli police announced that they had arrested a Palestinian man they claimed to be a potential suicide bomber. The man had entered Israel as a tourist. (The Jerusalem Times, 17 May)

76. On 12 May, the Central Committee of the National Religious Party (NRP) approved the party's platform for the upcoming Israeli general elections. The platform stated that the NRP would oppose the establishment of a Palestinian State between the Jordan River and the Mediterranean Sea and would support the declaration of Israeli sovereignty over Greater Jerusalem. The NRP would also support widening the Jewish presence in East Jerusalem and Hebron; the establishment sovereignty over settlements in Judea and Samaria (West Bank); and the granting to the IDF of permission to operate anywhere where necessary, including in all of Judea Samaria and Gaza. A party member pointed out that the platform was just a stage in a future plan to strengthen the Jewish community in Judea and Samaria (West Bank), with the aim of reaching a total number of one million Jews there over the next four years. (Jerusalem Post, 13 May)

77. On 12 May, the Mandela Institute for Political Prisoners cited Israeli newspapers reporting that the Israeli intelligence, the Shavak, had started to use a new torture method against Palestinian prisoners. The new method, commonly known as the "time bomb", included physical and psychological pressure as well as beatings and temporary suffocation, until the victim lost

consciousness. The methods also include shaking, sleep and food deprivation and the denial of access to health facilities. (The Jerusalem Times, 17 May)

78. On 13 May, Israeli sources confirmed that there would be no redeployment from Hebron until after the Israeli elections on 29 May. (The Jerusalem Times, 17 May)

79. On 15 May, it was reported that more than 5,000 Hamas and Islamic Jihad activists had been arrested by the security forces since the Dizengoff bombing attack. (Ha'aretz, 15 May)

80. On 15 May, an IDF spokesman announced that a full closure of the West Bank and the Gaza Strip would be imposed until further notice. Israel Radio quoted the spokesman as saying that the closure was aimed at preventing potential suicide bombings in the run-up to the Israeli elections scheduled for 29 May. (The Jerusalem Times, 17 May)

81. On 17 May, it was reported that seven members of the Islamic Resistance Movement, Hamas, were arrested by the IDF in connection with the killing of a settler at the entrance to the settlement of Beit El near Ramallah on 13 May 1996. In a separate development, an Israeli source indicated that 11 members of a Hamas cell had been arrested and accused of assisting in the carrying out of the three bombings in Jerusalem and Ashkelon in February. (The Jerusalem Times, 17 May)

82. On 17 May, the IDF arrested the deputy leader of the military wing of Hamas, Hassan Salameh, suspected of planning three of the four recent suicide bomb attacks on Israeli targets. On 21 May, an additional 32 Hamas activists were detained. Salameh's arrest came as a further blow to the operational capacity of Hamas at a time when deep divisions within the movement were reported. The divide was essentially between the Hamas higher command in exile and leaders of the movement based in Gaza and in the West Bank. The latter were in complete disagreement with the exiled leaders concerning attacks against Israel. (The Jerusalem Times, 24 May)

83. On 24 May, it was announced that Israel had decided to impose a complete security cordon on the self-rule areas three days before the Israeli elections. The Israeli daily, Maariv, stated that the Israeli authorities had arrested during the three previous days more than 300 Palestinians suspected of being members of Hamas. In a separate development, an Israeli police spokesman was reported to have said that Mohammed Hussein Miqdad, who had been involved in the Lawrence Hotel bombing in East Jerusalem on 12 April, belonged to the Hezbollah movement. (The Jerusalem Times, 24 May)

84. On 26 May, the Coordinator for Israeli Affairs in the Self-Rule Areas, Shlomo Drori, stated that, owing to the new security measures, the 7,000 Palestinian labourers working in Israel would not be allowed to enter the country. However, he noted that Israel would allow 200 Palestinians to continue working in one of the industrial zones on the border between Gaza Strip and Israel. Drori added that with the exception of Palestinian officials and medical cases, no Palestinian could enter Israel. (The Jerusalem Times, 31 May)

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85. On 27 May, it was reported that Hamas leaders had issued a fatwa calling on Muslims to launch suicide bomb attacks against Israelis and Jews. The fatwa reportedly justified suicide attacks against all Israelis, irrespective of their political ideology, whether they were civilians or soldiers, men or women, young or old. (Jerusalem Post, 27 May)

86. On 31 May, the Chairman of the Likud opposition party Benjamin Netanyahu was declared the winner of the first direct vote for Prime Minister in Israel's general elections. Mr. Netanyahu won 1,501,023 votes (50.4 per cent of the total number of valid votes cast: 2,972,589) while Prime Minister Shimon Peres won 1,471,566 votes (49.5 per cent of the total valid votes cast). During his election campaign, Mr. Netanyahu ruled out the establishment of a Palestinian State. He vowed to reallocate funds for settlements and to accelerate settlement activities in the Gaza Strip and the West Bank, including in Hebron. He stated that a Government led by him would rescind the Labour Government's decision not to confiscate land in East Jerusalem for Jewish construction projects and that it would close Orient House. He stated further that he would not respect the Labour Government's decision to include the issue of Jerusalem in the final status negotiations. He ruled out any territorial compromise on the Golan Heights, stating that a Government led by him would not evacuate any Jewish settlements in the region. In the voting for the 120-seat Knesset, the Labour party won 34 seats, the Likud 32, the religions parties of Shas, Mafdal (National Religious Party) and Yahadut Hatora won 10, 9 and 4 seats respectively, Meretz won 9, the Russian Immigrants' Party 7, Hadash 5, the Third Way party 4, the Arab Democracy won 4 and the Moledet party won 2 seats. (Ha'aretz, 5, 27, 28 and 31 May 1996 and 2 June 1996)

87. On 31 May, a demonstration was staged by the Jahalin Bedouins protesting against Israeli attempts to evict them from their land. (The Jerusalem Times, 7 June)

88. On 8 June, Palestinian Authority Ministers warned that any policy statement by the incoming Likud Government denying a Palestinian State, refusing a Palestinian role in Jerusalem and rejecting a withdrawal from the Golan Heights would be considered as a declaration of war. The Ministers issued their statement after a joint meeting of the Executive Committee of the PLO and the Palestinian Authority at which policy guidelines outlined by Prime Minister Benjamin Netanyahu were discussed. The draft reportedly spoke of opposition to the establishment of an independent Palestinian State, of retaining unequivocal Israeli sovereignty over united Jerusalem, of not ceding the Golan Heights and of encouraging the continued development of settlements. (Jerusalem Post, 9 June)

89. On 12 June, a Palestinian Council meeting had to be postponed because 20 members of the Council were prevented by Israeli soldiers from leaving Gaza after they had refused to undergo a search at the Erez checkpoint. (The Jerusalem Times, 14 June)

90. On 12 June, the Israeli redeployment from the town of Hebron was postponed for the second time in 1996 after the election of the new Prime Minister, Benjamin Netanyahu. (The Jerusalem Times, 14 June)

91. On 13 June, the heads of the Palestinian security forces sent a letter to Prime Minister-elect Netanyahu stating that unless he changed his humiliating attitude towards the Palestinian Authority, they would stop fighting the Hamas movement. According to Israeli sources, the Palestinians claimed that Mr. Netanyahu's attitude diminished the Palestinian Authority's ability to fight the rejectionist organizations. (Ha'aretz, 14 June)

92. On 18 June, it was reported that the interministerial committee supervising the GSS headed by Prime Minister Shimon Peres had decided, in coordination with Prime Minister-elect Netanyahu, to extend the special permit granted to the GSS to use "exceptional interrogation methods", including shaking, during the interrogation of Islamic Jihad and Hamas activists suspected of planning or having information about attacks. (Ha'aretz, 18 June)

93. On 19 June, it was reported that administrative detention and ill-treatment of Palestinian prisoners continued to be uppermost on Amnesty's International's list of Israeli human rights violations. The organization's report for 1995 stated that more than 600 administrative detention orders had been issued against Palestinians as compared with 2 against Jews. Furthermore, in February 1995, the maximum period of detention was increased from six months to one year. During the filing of appeals, which usually took place several weeks after the arrest, detainees and their lawyers were not provided with important information about the reasons for the detention. Palestinian detainees continued to be systematically tortured and ill-treated during interrogation by the GSS, often while being held incommunicado. Methods that were routinely used included hooding, prolonged sleep deprivation (usually while standing or sitting shackled in painful positions), beatings, shaking and confinement to cupboard-sized rooms. The report noted that the ministerial committee that oversees the GSS continued to renew the permission given to the GSS to use "exceptional interrogation methods" such as shaking despite the death of a detainee, Abed Harizat, as a result of that practice. The report stated further that detainees were frequently denied access to lawyers for up to 30 days and to relatives for up to 140 days. Confessions obtained under duress were reportedly often used as the principal source of evidence against detainees. The report also claimed that a number of Palestinians had been shot by the Israeli security forces in circumstances suggesting that they had been executed extrajudicially. One case cited in the report was that of Islamic Jihad leader Fathi Shakaki, who had been assassinated by unknown gunmen in Malta. The report observed in addition that those responsible for human rights violations in the past continued to enjoy virtual impunity. It cited the case of an Israeli colonel who had shot and killed a 14-year-old Palestinian girl but received only a six-month suspended sentence. Other issues cited in the report included the demolition of suspected terrorists' houses and the fact that 4,000 Palestinians convicted of security offences continued to be detained in prisons. (Jerusalem Post, 19 June)

94. On 21 June, it was reported that the Commander of the Central Area, Maj.-Gen. Ilan Biran, announced that large areas of Palestinian territory parallel to the Green Line would be closed for security reasons. (The Jerusalem Times, 21 June)

95. On 28 June, it was reported that more than 200 Palestinian workers who were in Israel illegally had been rounded up in the Tel Aviv area. Some 194 were detained for interrogation and were sent back to the territories on 27 June, while 7 who had criminal records were imprisoned. (Ha'aretz, 28 June)

96. On 30 June, a source in the Netanyahu Government stated that Israel was studying ways of preventing visiting foreign ministers and other high-ranking officials from holding talks at the Orient House. During his electoral campaign, the new Israeli Prime Minister promised to close down Orient House or circumscribe its activities. (The Jerusalem Times, 5 July)

97. On 1 July, the chief of the central district police stated that more than 1,200 Palestinians from the territories who were in Israel illegally had been rounded up in the central district during the previous month. He was speaking in the wake of a dawn raid within the Green Line area, the sixth in a series of similar crackdowns against Palestinians working in Israel illegally, in which some 90 illegal workers had been rounded up by numerous police and border police forces as well as by civil guard volunteers. (Jerusalem Post, 2 July)

98. On 8 July, the Association for Civil Rights in Israel (ACRI) issued a comprehensive report on human rights violations in Israel and the occupied territories. The report stated that while Israel basically respected the human rights of its own residents, it violated the human rights of the Palestinian residents of the territories on a regular and extensive basis. The report indicated that the most serious violation was the use of torture during GSS interrogation. The report observed that despite declarations by senior officials, there had been no real change in GSS interrogation methods and the courts continued to refrain from taking a clear stance on the issue. The report pointed out that as when the persons interrogated were Palestinians it was easy to enlist public support for torture. However, when the GSS began to use "exceptional interrogation methods", albeit relatively moderate ones, against Jewish right-wing activists, the public became aware of the human rights threat inherent in such interrogation methods. The report added that the emerging public debate was a positive development, given the conspiracy of silence that had surrounded the subject in Israel in the past. The report went on to observe that the second major problem in the territories was that of collective punishment such as the imposition of closures. It stated that the closure that had been imposed on the territories in the wake of the wave of attacks in February and March affected a large number of innocent people. Particularly grave were the restrictions regarding the entry of patients and medical staff into Israel. This had led to the death of several persons, including babies, who were prevented from reaching hospitals. The report also pointed out that although the number of arrests had decreased substantially since the IDF withdrew from the principal West Bank towns, the rights of detainees continued to be violated. Detainees were transferred to detention facilities in Israel where they were held in harsh conditions and had virtually no possibility of receiving legal assistance from an attorney. Family visits were also limited. Conditions in detention facilities remained appalling, even subhuman. Furthermore, irregularities in legal proceedings in military courts and the lack of observance of the defendants' rights had worsened. The report indicated that although in previous years trials in military courts proceeded at a sluggish pace, among other things because the defendant or the witnesses were not brought

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to court, the defendants' right to be tried within a reasonable period of time or be released had never been so seriously violated as was the case since the IDF redeployment in the territories. (Ha'aretz, Jerusalem Post, 9 July)

99. On 9 July, Prime Minister Netanyahu rejected the demand of President Bill Clinton that Israel abstain from building new settlements in the territories. Mr. Netanyahu presented to Mr. Clinton figures compiled by the Central Bureau of Statistics figures showing that before the Labour party came to power in 1992, there were 96,000 settlers in the territories while their number currently stood at 145,000. Mr. Netanyahu stated that he had assumed no one expected his Government to do less than the Labour Government. He pointed out, however, that no decision had yet been made as to the scope and location of settlements and stated that his Government would fulfil past commitments but indicated that this required "reciprocity". He stated further that the closure would be lifted only when the Palestinians had lived up to their security commitments. With regard to Hebron, Mr. Netanyahu told Mr. Clinton that the army would not withdraw from the town until a formula guaranteeing security had been found. (Ha'aretz, Jerusalem Post, 10 July)

100. On 10 July, Prime Minister Netanyahu delivered a speech before the United States Congress in Washington, D.C., in which he declared, among other things, that Jerusalem would never be divided and that Israel would insist on the right of Jews to live "anywhere in the land". Mr. Netanyahu pledged, however, to begin negotiations with the Palestinian Authority on a final status agreement, on condition that the Palestinians abide by the Accords that had been signed. He stated further that Israel was ready to engage in meaningful negotiations with the Syrian Arab Republic and to broaden the circle of peace throughout the region. Mr. Netanyahu's speech drew widespread criticism from Palestinian officials. Faisal Husseini stated that Netanyahu had made a declaration of war if he meant that there would be no negotiations on Jerusalem's future. Mr. Husseini also stated that Netanyahu's speech raised concerns about Israel's commitment to the Oslo Accords and final status negotiations, which, he observed, included Jerusalem. The Jerusalem Times reported that Mr. Netanyahu had declared that Israel would never allow Jerusalem to be divided up between the Arabs and the Jews. Netanyahu added that the creation of a new Berlin Wall should not be allowed. The Chairman of the Palestinian National Council stated that Netanyahu's pronouncements were disquieting and that they indicated that Netanyahu intended to continue with settlement activities in the territories, which he depicted as a "cancer" that would lead to the collapse of the peace process. Hebron Mayor Mustafa Natshe stated that Netanyahu's declarations suggested that his Government was not interested in redeploying IDF troops in Hebron. (Ha'aretz, 11 July, Jerusalem Post, 11 and 12 July; also referred to in The Jerusalem Times, 12 July)

101. On 12 July, PLO leader Yasser Arafat stated that the Israeli Government had no right to close Palestinian offices in Jerusalem and warned that such a move would violate the commitments made by Israel since 1993. Mr. Arafat made his statement following reports by the Israeli media that Prime Minister Netanyahu would shortly demand that the Palestinian Authority close four offices in Jerusalem as a condition for the resumption of the peace talks. The offices were those of religious affairs, education, statistics and Orient House. Mr. Arafat warned that such a move, especially the closure of the Palestinian

Religious Affairs Bureau on the Temple Mount, would trigger fierce opposition among Arab and Islamic nations. (Jerusalem Post, 14 July)

102. On 12 July, it was reported that the members of the Palestinian Council representing the Jerusalem governorate had refused to respond to summons they had received from the Israeli police inviting them for a talk in order to warn them against exercising any political activities in the City. The PNC members called the summons a violation of the Oslo Accords reached between the PLO and Israel and an attack against their immunity as envisaged in the Accords. (The Jerusalem Times, 12 July)

103. On 12 July, Minister Faisal Husseini rejected the attempts made by the Special Ministerial Council for Jerusalem Affairs of the Netanyahu Government to force to close down four institutions in Jerusalem. The four institutions included Orient House, the Bureau of Statistics, the office of Hanan Ashrawi, Minister for Higher Education of the Palestinian Authority, and the Ministry of Religious Affairs and of the Islamic Waqf. (The Jerusalem Times, 19 July)

104. On 18 July, official Palestinian sources published a statement condemning the expansion of the Jewish settlements in Hebron. Recent developments in the area included the levelling of land near Tel Rumeideh, the uprooting of trees and the laying down of a sewage network by settlers, with the help of soldiers. Palestinian sources expressed the belief that the renewed activity followed a go-ahead given to the settlers by the Netanyahu Government. Two days earlier, the Minister of Tourism, Moshe Katzav, had visited Hebron and promised the settlers that one of the buildings there would shortly be turned into a Jewish religious centre. Sources in the Hebron Waqf stated that the site in question was adjacent to Tel Rumeidah and to the Islamic shrine of Mashhad Al Arbaen. The latter had been closed down by the Israeli Civil Administration. (The Jerusalem Times, 19 July)

105. On 23 July, it was reported that the representatives of the Palestinian Authority had drafted a document listing 33 alleged violations of the Oslo Accords. The main items of the document stated that:

(a) Israel should disband its Civil Administration and withdraw its military authorities from the territories;

(b) Israel should stop employing the term "Judea and Samaria" since the term enshrined in the Interim Accords was "the West Bank";

(c) Israel should respect the status of the West Bank and the Gaza Strip as a single territorial unit;

(d) Appendix 3 of the agreement, which enumerated the civil areas of control to be transferred to the Palestinian Authority, should be implemented in full;

(e) IDF troops should withdraw from area B, where the Palestinian Authority should be responsible for the security of the Palestinian population;

(f) The Palestinian Authority should be handed over control of area C;

(g) Israel should abstain from inciting and spreading hostile propaganda against the Palestinian Authority;

(h) The safe passage between the West Bank and the Gaza Strip should be opened to the circulation of people, vehicles and merchandise;

(i) Israel should abstain from expanding settlements;

(j) Travel restrictions within the West Bank and the closure should be lifted;

(k) Jewish places of worship should be placed under the control of the Palestinian Police;

(l) Joint patrols should be deployed in areas B and C. Currently, they were deployed only in the urban parts of area A;

(m) Private vehicles should be allowed to cross into Jordan through the Allenby Bridge;

(n) Israel should release all women prisoners, prisoners who had served two thirds of their term and those who had not caused death or serious injury. (Ha'aretz, 23 July)

106. On 26 July, Foreign Minister David Levy notified Palestinian Authority President Yasser Arafat that his Government demanded that the Palestinian Authority's youth and sports and cartography offices in East Jerusalem be closed. Mr. Levy further demanded that an institute for professional training in the Shuafat area be closed, that the Authority's security operations in Jerusalem be stopped and that Legislative Council members not open offices in the capital. (Jerusalem Post, 28 July)

107. On 28 July, it was reported that some 50 activists of the Popular Front for the Liberation of Palestinian (PFLP) had been detained by the GSS in Hebron and the surrounding areas since a drive-by attack in the Beit Shemesh area in June. Several of those arrested had been placed under a six-month administrative detention order in a bid to weaken and strike at the organization with all the means at the disposal of the security authorities. However, the arrests and the harsh methods used during the GSS interrogations had not led to the discovery of the cell suspected of carrying out the June attack and a similar one perpetrated in July. (Ha'aretz, 28 July)

108. On 2 August, the Cabinet agreed to end the four-year freeze imposed on the construction of settlements in the territories, a move described by Prime Minister Netanyahu as correcting the discrimination against Jewish settlements in Judea, Samaria and the Gaza Strip. The decision concentrated decision-making power on settlement expansion in the hands of Netanyahu and Defence Minister Yitzhak Mordechai. The Cabinet agreed to vote only on the establishment of new settlements. Officials in the Prime Minister's office stated, however, that there was no plan to establish any new settlements. The Cabinet's decision to lift the ban on settlement construction was criticized by

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settlers as being not enough and was condemned by Palestinians as a setback and a threat to the peace process. (Ha'aretz, Jerusalem Post, 4 August)

109. On 4 August, Palestinian President Yasser Arafat urged the Israeli Prime Minister to revoke his decision to intensify settlement activities. Arafat stressed that Israel had committed itself to refrain from making unilateral moves in the West Bank and the Gaza Strip. (The Jerusalem Times, 9 August)

110. On 8 August, the Tel Aviv district police reported that 724 Palestinians had been found in July to be living in Tel Aviv without the necessary permits. (Jerusalem Post, 9 August)

111. On 16 August, it was reported that the Israeli Cabinet was preparing a new proposal concerning the redeployment of troops from Hebron. Sources close to the Israeli Prime Minister indicated that Netanyahu had made the evacuation of Hebron conditional on the closing of Palestinian educational and cultural centres in East Jerusalem. (The Jerusalem Times, 16 August)

112. On 16 August, it was reported that eyewitnesses had stated that Israeli death squads had reappeared in the City of Jerusalem only days after the Israeli Prime Minister Netanyahu had instructed Israeli intelligence to step up its activities in the Palestinian territories with the aim of hunting down persons involved in armed resistance. (The Jerusalem Times, 16 August)

113. On 21 August, Israeli forces raided two offices in the Jerusalem governorate on the grounds that they had served as Palestinian security offices. The offices, which were affiliated with Force 17, were located in the neighbouring town of Izzariyeh. Force 17 was the special presidential security apparatus. The Governor of Jerusalem, Jamil Othman Naser, stated that the two offices were not connected with the Palestinian Authority. The village of Izzariyeh lies within area B, which is patrolled jointly by Palestinians and Israelis. (The Jerusalem Times, 23 August)

114. On 21 August, the permanent office of the Islamic and National Anti-Settlements Committee issued a statement condemning the Israeli plan for the construction of a super-highway that would link Lydda Airport with Qalandia Airport in Jerusalem. Committee member Issam Abdel Latif stated that the plan was dangerous because of its strategic nature and the amount of West Bank land that would be confiscated in order to build it. Abdel Latif indicated that thousands of acres of land belonging to 12 villages would be affected, in addition to 750 acres of land adjacent to Qalandia in Bir Nabala, Beit Hanina, and Rafat. (The Jerusalem Times, 23 August)

115. On 23 August, it was reported that President Yasser Arafat had rejected an Israeli proposal to link redeployment in Hebron to a Palestinian agreement to cease all Palestinian Authority activities in Jerusalem. (The Jerusalem Times, 23 August)

116. On 25 August, it was reported that the Public Committee Against Torture in Israel, together with the Association of Physicians for Human Rights, had protested against the decision taken by the interministerial committee supervising the GSS to extend the special permit granted to GSS interrogators to

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use "exceptional methods", including shaking, during the interrogation of suspects. Both organizations described shaking and other exceptional interrogation methods as torture and stated that such interrogation methods constituted a gross violation of human rights and of the international conventions signed by Israel. (Ha'aretz, 25 August)

117. On 26 August, the Palestinian Authority Minister of Information, Yasser Abed Rabbo, denied that an agreement had been reached with Israel to close down three Palestinian offices in Jerusalem. (The Jerusalem Times, 30 August)

118. On 28 August, Palestinian Authority President Yasser Arafat stated at a special session of the Palestinian Council that the policy of the Likud Government amounted to a declaration of war against the Palestinians. Mr. Arafat described the Government's settlement policy as a crime and a gross violation of the peace accords, and called for civil protest throughout the territories. (Ha'aretz, Jerusalem Post, 29 August)

119. On 29 August, Yitzhak Shamir, a former Prime Minister of Israel, praised Prime Minister Netanyahu for the way in which he had dealt with the developing crisis with the Palestinians. Mr. Shamir stated that he was not worried about the deterioration in the relations between the Palestinian Authority and Israel, indicating that the Likud had not been brought to power in order to please or strengthen the Palestinians. He went on to say that Mr. Netanyahu was acting as a Prime Minister was expected to, which was very promising for the time being. When asked whether he did not believe that the Government was supposed to honour the Agreements signed with the Palestinians by the previous Government, Mr. Shamir retorted by asking: "Who said and where was it written that the Agreements should be honoured?" When asked to clarify whether he meant that Agreements should not be respected, Mr. Shamir stated that only the good parts of the Agreements should be respected. (Ha'aretz, 30 August)

120. On 29 August, a call by the Palestinian Authority President Yasser Arafat for a four-hour general strike to protest against Israel's policy of expanding settlements and demolishing houses as well as other violations in Jerusalem was widely heeded throughout the West Bank, the Gaza Strip and in East Jerusalem. The strike, which was described as a symbolic warning, lasted from 8 a.m. to 12 noon and included the Palestinian Authority's offices. Arafat also asked Palestinians to attend for prayers at the Al-Aqsa Mosque on 30 August. He proclaimed 29 August "Jerusalem Day in Palestine". (Ha'aretz, 30 August; also referred to in The Jerusalem Times, 30 August)

121. On 31 August, Palestinian Authority President Yasser Arafat warned that unless the Government improved its attitude towards the Palestinian Authority and the peace process, protests could escalate. In a visit to a girls' school in Nablus, Arafat reportedly used language that hinted the renewal of an intifadah-type uprising. He delivered the same message in a speech at the Balata refugee camp where the 1987 intifadah first broke out in the West Bank. (Jerusalem Post, 1 September)

122. On 1 September, the Representative for Jerusalem, Hatem Abdel Qader, noted that thousands of Palestinians had left Jerusalem because of soaring rents and exorbitant taxation. Abdel Qader also dismissed a claim made by the Jerusalem Deputy Mayor, Shmuel Meyer, that the Municipality had granted more than 12,000 building licences to Palestinians. Abdel Qader stated that no more than 700 licences had been issued, with many restrictions attached. (The Jerusalem Times, 6 September)

123. On 1 September, it was reported that the Palestinian security apparatus had discovered sets of electronic surveillance devices linked to the telephone network of police headquarters in Gaza. A police inquiry team concluded that the devices had been planted by the Israeli authorities before they withdrew from the Gaza Strip in May 1994. The police spokesman indicated that the devices would self-destruct as soon as they were touched. (The Jerusalem Times, 6 September)

124. On 4 September, Prime Minister Benjamin Netanyahu and Palestinian Authority Chairman Yasser Arafat met for the first time at the Erez checkpoint. Mr. Arafat discussed the Palestinians' harsh living conditions and Mr. Netanyahu pledged to raise the number of Palestinians working in Israel from 37,000 to 50,000. Other subjects raised during the meeting included settlements and the Hebron redeployment. At a press conference following the meeting, the Prime Minister stated that both parties had reiterated their commitment to the Interim Agreement and their determination to carry on with its implementation. When asked directly by a Palestinian journalist if he would redeploy troops in Hebron in accordance to the Oslo II Agreement, Mr. Netanyahu replied that the issue would be discussed by the Steering Committee and added that a security clause had to be added in order to allow the Jewish settlers in Hebron to live as normal and safe a life as possible. The Netanyahu-Arafat meeting was described as only a first step in the new Likud-PLO relationship, with Mr. Netanyahu pointedly not shaking hands with Mr. Arafat after the press conference. (Ha'aretz, Jerusalem Post, 5 September)

125. On 5 September, Foreign Minister David Levy warned Ireland, the current holder of the European Union rotating presidency, not to send an EU delegation to visit Orient House, the PLO headquarters in East Jerusalem. On 19 September, a similar warning was issued by the Prime Minister. (Jerusalem Post, 6, 20 September)

126. On 6 September, it was reported that the Israeli authorities had barred thousands of Muslim worshippers from the West Bank and the Gaza Strip from entering the City of Jerusalem for Friday prayers at the Al-Aqsa Mosque on 30 August. Earlier in the week, President Arafat had called upon Palestinians to protest against Israel's settlement policies by attending prayers in Jerusalem. Muslims were urged to go on Friday, 30 August and Christians on Sunday, 1 September. (The Jerusalem Times, 6 September)

127. On 10 September, police arrested 253 residents of the territories who were staying in Israel illegally. Scores of police, border policemen and detectives from the Ha'amakim district took part in the wide-scale operation. All those arrested were expected to be sent back to the territories. (Ha'aretz, Jerusalem Post, 11 September)

128. On 12 September, Peace Watch issued a report according to which the number of Israelis killed in "terrorist" attacks had slightly decreased in the third year since the signing of the Declaration of Principles between Israel and the PLO in September 1993. According to the report, 75 Israelis were killed in attacks in the territories and Israel between 9 September 1995 and 8 September 1996, as compared with 83 during the same period in 1994-1995. Out of the 75 Israelis who had been killed over the previous year, 60 were killed in five suicide attacks that took place in February and March. The report further pointed out that the number of Israelis killed in "terrorist" attacks inside the territories had decreased since the signing of the Declaration of Principles. (Ha'aretz, 13 September)

129. On 13 September, a spokesman for the Israeli Army stated that a full closure of the West Bank and Gaza Strip would go into effect from 13 to 15 September. The complete closure was part of the exceptional security measures taken by the Israeli authorities on the eve of the Jewish New Year. (The Jerusalem Times, 13 September)

130. On 13 September, a report by the Gaza Centre for Rights and Law disclosed that the Israeli forces had killed 123 Palestinians in Gaza since the Oslo Accords had been signed three years previously. The statistics included those killed during suicide operations and 15 Palestinians killed by Israel's Special Forces. Israel was also responsible for wounding 16,011 Palestinians in the Gaza Strip during the same period. (The Jerusalem Times, 13 September)

131. On 18 September, the Israeli Minister of Defence, Yitzhak Mordechai, authorized a plan for the construction of 1,800 housing units in the West Bank. They were to be built on land confiscated from Deir Qiddies and Naalin, west of Ramallah, paving the way for the arrival of 10,000 new settlers. Mordechai's decision provoked vehement reactions from both Palestinian circles and Israeli peace activists. A spokesman for the Ministry of Defence commented that the settlement plans had been authorized by the previous Government and were merely being reconfirmed. In a statement on Israeli Radio, the head of the West Bank Council of Settlers, Pinhas Wallerstein, announced that the new housing units would be built in Matetyahu, a settlement for religious Jews situated close to the ceasefire lines of 1948. (The Jerusalem Times, 20 September)

2. Incidents resulting from the occupation

Oral evidence

132. Mr. Fuad Issa Abu-Hamed, a fieldworker at B'tselem, the Israeli information centre for human rights in the occupied territories, stated the following regarding violence in the territories:

> "Obviously, the level of violence in the occupied Arab territories has dropped last year, with the new situation and the establishment of the Palestinian Authority in some of the main towns of the West Bank. This has prevented the direct frictions between large sectors of the Palestinian people and the Israeli authorities. It has prevented direct clashes. But

other violations have taken place and they have greatly increased last year." (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

133. Mr. Abu-Hamed provided the Special Committee with the following figures on the total number of persons killed in the occupied territories and in Israel since the beginning of the intifadah in December 1987:

"In the occupied Arab territories, the number of persons killed at the hands of the Israeli forces amounts to 1,249. The figures can be detailed as follows: 1,212 persons were killed by live ammunition, 37 persons were killed after beatings and the like, 262 children under 16 were killed, of whom 68 were under 12 and 194 between 13 and 16 years of age; 103 Palestinians were killed at the hands of Israeli citizens; 28 were killed by persons collaborating with the Israeli authorities; 77 Israeli citizens, 68 members of the security forces and 3 foreign citizens were killed by Palestinians; 5 members of the Palestinian police were killed by the Israeli security forces and 1 Israeli citizen, member of the Israeli security forces, was killed by the Palestinian police forces. This is the data available covering the occupied Arab territories.

"Inside Israel since the beginning of the intifada, that is since December 1987, until May 1996, 144 Israeli citizens, 17 foreign citizens and 56 members of the security forces were killed by inhabitants of the West Bank; 28 Palestinians from the West Bank were killed by the Israeli security forces and 23 by Israeli citizens." (Ibid.)

134. A representative of Physicians for Human Rights provided the Special Committee with the following information:

"According to the statistics from Palestinian sources available to the Association of Physicians for Human Rights, since the beginning of the uprising until now, that is in the last 10 years, about 100,000 Palestinians were injured and handicapped. Many of these people are in need of surgical operations. Thousands of them are in need of rehabilitation.

"Attempts are being made by Israel to promulgate a law - and unfortunately, with the new Government, we are afraid that this law might get through - with a view to not granting any compensation to such victims of injuries. Our association is of the opinion that such a law, which would prevent Palestinians injured during the years of the uprising to present claims to the court and ask for compensation, is not only a violation of human rights, a violation of the right to ask for compensation after an injury, but it would also have a negative impact on the possibility for the victims to get rehabilitation treatment.

"I would like to mention also that during all the years of occupation, Israel has not made any investment in order to develop the health machinery in general in the occupied territories and to develop rehabilitation centres in particular. There are no centres actually that can give help to injured patients, especially those who have had head injuries."
(Mr. Salah Haj Yehya, witness no. 12, A/AC.145/RT.694)

135. Mr. Fuad Issa Abu-Hamed, the B'tselem fieldworker, described to the Special Committee the killing by an Israeli settler of a 14-year-old Palestinian boy:

> "Last year, there has been a decrease in the number of Palestinians killed. I will give you two specific examples. The first example is the murder of a boy named Mohammed Al-Ramahi, aged 14. He was killed on 3 November 1995. He lived in the refugee camp of Al-Garazon in Ramallah. He had gone to a farm not far from the refugee camp to buy eggs for his family. An Israeli settler, who was on the Nablus-Ramallah road, fired at him at a range of less than 25 metres, killing him. Mohammed had been accompanied by two friends, who escaped unharmed. In our capacity as B'Tselem, we asked for an investigation into this incident, especially in view of the fact that the settler had fled. The Israeli armed forces who were stationed on the mountain at the time - and I believe they witnessed the incident - did not pursue and catch the settler. But they stormed the refugee camp and took away the body of the boy, to give him back to his family two days later." (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

136. Mr. Abu-Hamed was himself an eyewitness to the killing of a 19-year-old in Nablus on 24 September 1995:

> "On 24 September 1995, while I was in the town of Nablus in order to investigate incidents that had taken place there, with my own eyes I saw the murder of Omar Ali Tanbur, aged 19. With a colleague of mine who is a journalist, I was going through the centre of town. Some clashes were taking place and I saw Israeli soldiers firing at the demonstrators, at a range of over 100 metres. All of a sudden, I saw a young man fall to the ground. I was about 20 metres away from him and tried to approach him, but there was a heavy exchange of fire. Some people took him away and rushed him to hospital. I was later on informed of his death. He was shot from behind. He had had no part whatsoever in the clashes and had not been throwing stones. He died simply because he was walking on the street." (Ibid.)

137. Testimonies relating to the incidents linked with the popular uprising may be found in documents A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), and A/AC.145/RT.694 (Mr. Salah Haj Yehya).

(a) List of Palestinians killed by troops or Israeli civilians

Written information

138. The following abbreviations of the names of newspaper are used in the tables:

H: Ha'aretz,

JP: Jerusalem Post

JT: The Jerusalem Times

Date	Name and age	Place of residence	Remarks and source
5 June	Hanna Abu Alona, 18	Khan Younis	Shot dead by IDF soldiers after he ignored an order to halt at an army outpost near Khan Younis. (H, JP, 6 June)
5 June	Atiyeh Ismail Abu Samra, 20	Khan Younis	Shot by Israeli soldiers, (JT, 7 June)
6 June	Da'ud Yacoub Shwaiki, 28	Ras el Amud neighbourhood (East Jerusalem)	Shot dead by border policemen who mistakenly believed he intended to attack them. (H, JT, 7 June)

(b) List of other Palestinians killed as a result of the occupation

Date	Name and age	Place of residence	Remarks and source
25 April	(Not reported)	Umm Tuba village	Suicide bomber. Killed when explosives he was handling detonated accidentally in the village of Umm Tuba in southern Jerusalem (H, JP, April)

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Date	Name and age	Place of residence	Remarks and source
1 July	Saleh A-Teha'ina	Not reported	Wanted Islamic Jihad activist, responsible for a series of attacks against the IDF in the West Bank in which no soldiers were killed. Sentenced to 30 years' imprisonment in Israel for shooting at soldiers and for belonging to the Islamic Jihad. Escaped from Nafha Prison in 1995. Found murdered in a house he was hiding in, in Al-Bireh. The Israeli security forces denied any involvement in the killing, suggesting that it was motivated by an internal conflict between Hamas and the Islamic Jihad. Palestinian Authority sources estimated that he was murdered by Islamic Jihad activists with whom he had fallen out. No organization claimed responsibility for the murder. The Islamic Jihad and the victim's family accused Israeli collaborators of the murder. (H, 5 July)
14 July	Nasser el Masalmeh, 31	Beer Sheva	GSS collaborator. Moved to Beer Sheva as part of a rehabilitation programme. Shot dead by unidentified gunmen in his home in Beit Awa, west of Hebron. (H, 18 July)

Date	Name and age	Place of residence	Remarks and source
14 July	Hader Hamdan el Masalmeh, 25	Bethlehem	Relative of a GSS collaborator. Killed when unidentified gunmen opened fire at his home in Beit Awa, west of Hebron. (H, 18 July)

(c) Other incidents

Written information

139. On 2 April 1996, three incendiary bottles were thrown at an uninhabited house in the Katzir settlement, in Wadi Ara, which is located on the Green Line. The bottles exploded but there were no casualties. In another incident in Hebron, an incendiary bottle was thrown at an Israeli vehicle, without causing any casualties. Border police responded by firing in the air and IDF troops launched searches in the area. (Ha'aretz, 3 April)

140. On 3 April, two border policemen were slightly injured by stones on their way to Joseph's Tomb in Nablus. Two incendiary bottles were thrown at an Israeli vehicle in the Ramallah area; no damage or injuries were reported. IDF troops launched searches in the area. In separate developments, military sources reported that the army had reinforced its patrols along the Gaza Strip and had strengthened roadblocks in Judea and Samaria (West Bank) following renewed threats by Hamas to carry out more attacks against Israeli targets. (Ha'aretz, Jerusalem Post, 5 April)

141. On 5 April, a number of incidents were reported in the territories: two border policemen were slightly injured by stones in the Hebron area; an explosive device was thrown at an IDF vehicle in Hebron, without causing any damage or injuries; IDF troops launched searches in the area. In another development in the Hebron area, IDF troops arrested three Palestinian youths on suspicion of belonging to or assisting "hostile" organizations. (Ha'aretz, 7 April)

142. On 7 April, one Israeli was moderately wounded while four others were slightly wounded when several incendiary bottles were thrown at a bus near Hebron. (Ha'aretz, 8 April)

143. On 8 April, police and border police forces thwarted an attempt by several members of the Temple Mount Faithful to enter the Temple Mount compound in order to pray there. In addition, the police arrested 10 activists of the extreme right-wing movement Hay Vekayam who also tried to enter the Temple Mount area as well as four Kach activists who distributed propaganda material nearby. (Ha'aretz, 9 April)

144. On 12 April, a "terrorist" critically injured himself when a bomb he was handling exploded prematurely in a hotel on Salah A-Din Street in East Jerusalem. Police sources indicated that the "terrorist" may have been on his way to carry out a bomb attack against a Jewish target in West Jerusalem or may have been preparing to hand over the bomb to another "terrorist". (Jerusalem Post, 14 April)

145. On 12 April, a man lost both his legs and one hand when a bomb he was handling exploded at the Lawrence Hotel in East Jerusalem. Intelligence sources indicated that the man, a Palestinian, had intended to blow up the Al-Aqsa Mosque. According to Arab newspapers, the man was a British Jew. The Israeli police have resorted to the use of a court order to prevent the publication of information concerning the bomber's identity. (The Jerusalem Times, 19 April)

146. On 12 April, a 13-year-old youth tried to stab an Israeli soldier at the A-Ram roadblock. The youth was subsequently taken to the Russian Compound for questioning. (The Jerusalem Times, 19 April)

147. On 14 April, a 13-year-old Palestinian boy from the village of A-Ram in northern Jerusalem tried to stab an Israeli soldier with a pocket knife at the A-Ram roadblock. The soldier was not injured. The youth was subsequently detained for interrogation. (Ha'aretz, 15 April)

148. On 15 April, security forces arrested five Palestinian residents of Judea and Samaria (West Bank) on suspicion of belonging to "terrorist" organizations. Three were arrested in the Jenin area and two near Bethlehem. (Jerusalem Post, 18 April)

149. On 18 April, Palestinian police arrested the members of a Hamas cell who intended to carry out an attack in Israel. Palestinian security sources reported that the activists had been detained in the Bethlehem area and were in possession of five mines. According to the same source, the activists had been detained two hours before they had planned to carry out the attack. (Ha'aretz, 19 April)

150. On 20 April, an IDF soldier was slightly injured when he was attacked by a Palestinian at an army outpost near the Gush Katif junction. The incident occurred when the Palestinian refused to identify himself and attacked the soldier on the face with a knife. The assailant was arrested. (Ha'aretz, 21 April)

151. On 23 April, a small pipe bomb exploded near the Interior Ministry offices in East Jerusalem in what the police believed was a "terrorist" incident. A parked car was slightly damaged but no injuries were reported. (Ha'aretz, 24 and 26 April; Jerusalem Post, 26 April)

152. On 24 April, a spokesman for the Israeli authorities stated that a small bomb had exploded in a pipe outside the offices of the Ministry of the Interior in East Jerusalem. A car was slightly damaged by the explosion. (The Jerusalem Times, 26 April)

153. On 25 April, a "terrorist" who was apparently ready to carry out a suicide mission was killed (see list) when 10 kilograms of explosive he was handling detonated accidentally in the Umm Tuba village in southern Jerusalem. The Jerusalem Police Chief speculated that the fact that the "terrorist" was wearing an IDF uniform suggested that he had either planned to blow himself up at an IDF hitchhiking post or on a bus. (Ha'aretz, Jerusalem Post, 26 April)

154. On 30 April, two Israelis were slightly injured on the outskirts of Hebron when a Palestinian-owned vehicle forced their vehicle to the side of the road. The vehicle rolled over several times and sustained considerable damage. The police and the IDF were investigating whether the incident was nationalistically motivated. A number of other incidents were reported in the Hebron area, including two incidents in which stones were thrown at an IDF vehicle without causing any damage or casualties. An incident in which stones were thrown at an Israeli vehicle also took place in Ramallah. (Ha'aretz, 1 May)

155. On 1 May, a 72-year-old settler from Kiryat Arba was seriously wounded when he was stabbed in the back with a butcher knife while shopping in the Hebron area. The assailant, a Palestinian from the Bethlehem area, managed to escape but was captured by the Palestinian police two days later. The attack occurred as numerous settlers from Hebron and Kiryat Arba were leaving for Jerusalem to stage a demonstration against the planned IDF withdrawal from most of Hebron. (Ha'aretz, 2 and 5 May; Jerusalem Post, 2 May)

156. On 3 May, a taxi driver was stabbed and slightly injured by two Palestinians near Tulkarm. Security forces arrived on the scene, treated the driver and began searches for the assailants. (Jerusalem Post, 5 May)

157. On 4 May, a "terrorist" cell opened fire at a joint border police and Palestinian Authority patrol near the Dheisheh refugee camp (West Bank); no harm or injuries were reported. In another incident, the security authorities arrested in the Hebron and the Ramallah areas three Palestinians who were suspected of involvement in "terrorist" activities. Three incidents in which stones were thrown at IDF vehicles were reported at the entrance to Hebron. In the Tulkarm area, two Palestinian youths attacked a 60-year-old Israeli, took possession of his vehicle and tried to run him over with it. The Judea and Samaria (West Bank) district police spokesman reported that the incident was criminally motivated. (Ha'aretz, 5 May)

158. On 7 May, the Jerusalem police announced that they had uncovered a Palestinian Authority police station in East Jerusalem and detained two senior Palestinian security officials and a number of Palestinians suspected of being Palestinian Authority policemen in the City. A police spokesman stated that the station had been closed and that documents linking the suspects with the kidnapping of Palestinian residents suspected of criminal offences had been confiscated. (Ha'aretz, Jerusalem Post, 8 May)

159. On 7 May, 11 Palestinians were reportedly injured during clashes with the Israeli forces in Kalkiliya. The incident occurred when hundreds of Palestinians arrived in the area to stop bulldozers from levelling confiscated land. (The Jerusalem Times, 10 May)

160. On 8 May, a conflict broke out between IDF soldiers and Palestinian policemen in the Netzarim settlement in the Gaza Strip. The incident began when 15 Palestinian policemen positioned themselves near the entrance to the settlement and refused to leave. Soldiers called in reinforcements, verbal abuses were exchanged and at one point there were fears that the policemen might use their weapons. The confrontation was brought to an end when a senior Palestinian Authority official arrived on the scene and ordered the policemen to leave. (Ha'aretz, 9 May)

161. On 9 May, dozens of Arab youths threw stones at police forces in the vicinity of the Nablus Gate in the Old City of Jerusalem. One demonstrator was slightly injured by a gunshot when the police dispersed the demonstration. Two border policemen were slightly injured during a stone-throwing incident in the Hebron area. Two Palestinians from Kalkiliya were injured by gas inhalation when soldiers dispersed a demonstration against the construction of a fence between Tulkarm and Kalkiliya. (Ha'aretz, 10 May)

162. On 10 May, two border policemen were injured during a stone-throwing incident near Hebron. Other incidents in which stones were thrown at Israeli vehicles occurred in Ramallah. In a separate incident, the Palestinian police opened fire at an Israeli truck in area A near Bethlehem. The driver was slightly injured by glass splinters. The Palestinian police claimed that they had found the vehicle suspicious and had opened fire after the driver ignored orders to halt. The IDF stated that it considered the incident closed after the Palestinian police admitted that the shooting had been a grave incident and agreed to punish those responsible. In a separate development, the IDF continued to round up Islamic Jihad and Hamas activists. (Ha'aretz, Jerusalem Post, 12 May)

163. On 10 May, the security forces revealed that they had uncovered a Hamas "terrorist" cell in East Jerusalem whose 11 members had taken advantage of the fact that they had Israeli identity cards in order to assist the suicide bombers who carried out the Jerusalem and Ashkelon bombing attacks in February and March. (Ha'aretz, Jerusalem Post, 10 May)

164. On 10 May, an Israeli soldier shot in the head Ghazi Zaloum, 45. The incident occurred in Jerusalem when Zaloum intervened to stop a number of soldiers from harassing a youth who they claimed did not have an identity card. When Zaloum refused to stay away, the soldier opened fire at him. (The Jerusalem Times, 17 May)

165. On 11 May, a petrol bomb was thrown at an Israeli vehicle on the Ramallah bypass road near the Kochav Yaacov settlement. (Jerusalem Post, 14 May)

166. On 12 May, an IDF soldier and a policeman suffered slight to moderate wounds when a fire-bomb was tossed at their civilian car on the Ramallah bypass road. Another fire-bomb was thrown at a border police foot patrol near the Cave of the Patriarchs (Ibrahimi Mosque) in Hebron; no injuries were reported. (Ha'aretz, Jerusalem Post, 13 May)

167. On 13 May, a 17-year-old yeshiva student was shot dead, another yeshiva student was fatally wounded and two women were injured when "terrorists" opened fire from a speeding car first on a bus north of Ramallah and then at students waiting at a hitchhiking post in front of the Beit El settlement. According to the IDF, the first attack occurred when the "terrorists" opened fire at a Binyamin Regional Council bus that was bringing workers from the Civil Administration building near the Judea and Samaria (West Bank) junction to Jerusalem. The second attack took place when the "terrorists" continued to drive for another few hundred metres and fired at the yeshiva students. In another development, the security authorities arrested nine Hamas and Islamic Jihad activists in the West Bank. Ammunition was also discovered during searches. In a separate development, the police revealed that a suicide bombing had been averted when a Palestinian "terrorist" trained in Damascus by the Islamic Jihad was captured by the GSS and the police in Jerusalem on 10 May. A police spokesman reported that the suspect had told interrogators that he had planned to carry out a suicide bombing at a crowded location in Israel. (Jerusalem Post, 14 May; Ha'aretz, 15 May)

168. On 14 May, five incidents in which stones were thrown at IDF vehicles occurred in the Hebron area; no harm or injuries were reported. In Tulkarm, soldiers opened fire at the vehicle of an Israeli Arab who drove through an IDF roadblock and ignored orders to halt. The soldiers first fired in the air and subsequently at the wheels of the vehicle. The driver managed to escape but was later detained for questioning by the Palestinian police. (Ha'aretz, 15 May)

169. On 16 May, it was reported that two suspected Hamas suicide bombers from Dhahiriya had been apprehended by the IDF and the GSS. (Jerusalem Post, 17 May)

170. On 17 May, IDF soldiers shot and captured in Hebron a high-ranking wanted Hamas fugitive who was held responsible for organizing three recent bus bombings. Army Radio reported that a fleeing bystander was also shot in the leg when he ignored orders to halt. It later turned out that the bystander was deaf. Following the arrest, IDF began rounding up suspected "terrorists": on 18 May, troops raided Dura village, arresting eight suspected Hamas and Islamic Jihad members. The army also reinforced its patrols in the downtown Hebron market, searching Palestinians and their vehicles. Security sources warned that there were still 20 fugitives at large who were planning attacks against Israel. Meanwhile, Izz al-Din al-Qassam, the military wing of Hamas, vowed to avenge the shooting and arrest of the Hamas fugitive. (Ha'aretz, Jerusalem Post, 19 May)

171. On 20 May, the IDF and the security forces made extensive arrests of activists suspected of belonging to extremist Islamic organizations and of assisting hostile elements. The arrests were made following information obtained during the interrogation of the wanted high-ranking Hamas fugitive who was arrested three days earlier. (Ha'aretz, 21 May)

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172. On 24 May, hundreds of Jewish worshippers went on a rampage in the Old City of Jerusalem, attacking and beating Arab bystanders and damaging Arab property. During the unprovoked rioting, the worshippers broke car and shop windows and destroyed merchandise in stores outside the Damascus Gate. The worshippers, who demanded that Palestinians close their shops because of the Jewish holiday of Shavuot, threw stones and empty bottles at Palestinian merchants and shouted "Death to the Arabs". They also turned over vendors' stalls and pushed and shoved Arab bystanders. Large numbers of police and border police were called to the area. They dispersed the rioters without making any arrests. A Jerusalem police spokesman reported that some 25 complaints had been filed with the police for damage caused by the rioting, representing only a small number of the actual cases. The merchants and car owners whose property had been damaged during the riot complained that they would not be able to receive any compensation because the income tax authorities refused to recognize the damage incurred. In response, Environment Minister Yossi Sarid stated that he would raise the issue at the weekly Cabinet meeting. Mr. Sarid stated that it was unacceptable that only Jewish victims of Arab rioting should be entitled to compensation. (Ha'aretz, Jerusalem Post, 26 May)

173. On 24 May, shots were fired at an IDF post in Gush Katif without causing any damage or injuries. Soldiers launched searches for the perpetrators and were later joined by the Palestinian police. (Jerusalem Post, 25 May)

174. On 27 May, Palestinian security sources reported that IDF soldiers disguised as Arabs had arrested a wanted Hamas activist in Hebron. The same sources stated that the undercover unit assisted by the border police had apprehended the 27-year-old activist who had been in hiding for four months. Meanwhile, Palestinian police handed over to the IDF explosives confiscated in raids against Muslim extremists. These included two pipe bombs, 10 fragmentation grenades, explosives and mortar shells. (Jerusalem Post, 29 May)

175. On 28 May, the security forces arrested nine Palestinians suspected of belonging to Hamas and the Islamic Jihad. Five were apprehended in the Jenin area, three in Hebron and one near Tulkarm. (Jerusalem Post, 29 May)

176. On 3 June, four Israeli telephone technicians were slightly wounded in the Salfit area in Samaria (northern West Bank) when a remote-controlled pipe bomb exploded as they were about to repair a line on the Aber As-Samerah main road near a Palestinian village. Following the incident, the IDF launched widespread searches and arrested several suspects. Two incidents in which stones were thrown at IDF vehicles occurred in the Hebron area; no harm or injuries were reported. A border policeman was slightly injured in the vicinity of the Cave of the Patriarchs (Ibrahimi Mosque) in Hebron. In another development, the IDF reinforced its patrols along roads in the Hebron, Ramallah and Nablus areas as it continued with widespread arrests of Islamic Jihad and Hamas activists. (Ha'aretz, Jerusalem Post, 4 June; The Jerusalem Times, 7 June)

177. On 4 June, a Palestinian stole the personal weapon of a soldier who had fallen asleep while on guard duty at the border with the Gaza Strip. The Palestinian police captured the offender and returned the weapon to the IDF. (Ha'aretz, 5 June)

178. On 5 June, IDF soldiers shot dead an 18-year-old Palestinian (see list) near the Gush Katif settlement after he had ignored an order to halt near an IDF outpost west of Khan Younis. Army sources reported that the youth ran towards the outpost and failed to heed warnings to stop. The soldiers, who feared that the young man was carrying explosives, first fired in the air and subsequently shot him. The youth was shot in the heart when he appeared to be approaching the settlement. Palestinian sources reported that the Israeli forces had shouted no warning to the youth before shooting him. In another incident in the Ramallah area, the IDF arrested five Palestinians on suspicion that they belonged to Hamas. (Ha'aretz, Jerusalem Post, 6 June; also referred to in The Jerusalem Times, 7 June)

179. On 6 June, border policemen carrying out operational activities in the Ras el Amud neighbourhood on the southern outskirts of East Jerusalem shot dead a 28-year-old Palestinian at the Ras Al Amud barrier (see list) who they mistakenly believed intended to attack them, moderately wounding his 18-year-old brother. The soldier claimed that the youth was carrying a gun and had failed to obey orders to halt. No gun was found on the youth at the morgue. According to their family, the two brothers and their father went down into the street after hearing suspicious noises. The older brother approached a vehicle parked near their home to check who was inside and was shot twice. Another shot was fired without warning at the other brother, who was injured in the chest. (Ha'aretz, 7 June; also referred to in The Jerusalem Times, 7 June)

180. On 8 June, a resident of the Jewish quarter of the Old City of Jerusalem was slightly injured when he was attacked by an unknown assailant near his home. A border policeman was slightly injured during a stone-throwing incident in the Ramallah area. Three other stone-throwing incidents took place in the vicinity of the Cave of the Patriarchs (Ibrahimi Mosque); no injuries were reported. (Ha'aretz, 9 June)

181. On 9 June, gunmen opened fire at an Israeli vehicle in the Bet Shemesh area, from a speeding car killing an Israeli couple. Their seven-month-old daughter who was also in the car was unharmed. The police chief stated that the incident was probably a "terrorist" attack. The police believed that the vehicle of the gunmen had entered Israel from the West Bank and that it had subsequently returned to the West Bank. (Ha'aretz, 10 June)

182. On 9 June, two settlers from the Kiryat Arba settlement were killed near the town of Kufur Zakariya, south of Jerusalem, in a drive-by shooting. The Israeli authorities attributed the shooting to a PFLP cell. (The Jerusalem Times, 14 June)

183. On 10 June, the IDF fired at and injured a Palestinian youth, Imad Al Tawil, 24, in the market opposite the Israeli settlement of Beit Romano. According to eyewitnesses, Al Tawil was severely beaten by the soldiers after refusing to give one of them a cigarette. Similar incidents but with no shooting were also reported. (The Jerusalem Times, 14 June)

184. On 14 June, an IDF soldier was shot and slightly wounded near Nablus when his patrol tried to detain an armed man who opened fire. (Jerusalem Post, 16 June)

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185. On 16 June, a Palestinian "terrorist" shot and killed an off-duty Israeli policeman and moderately wounded his wife in a toy shop in the village of Bidiya near the Ariel settlement. The couple's 18-month-old son who was with them was not injured. A police spokesman stated that the family had gone to the store in violation of regulations forbidding policemen who are off duty to go to stores in Palestinian towns and villages. (Ha'aretz, Jerusalem Post, 17 June; also referred to in The Jerusalem Times, 28 June)

186. On 18 and 19 June, several incidents were reported in Hebron. A 14-year-old boy, Maamoun Al Bayed, was slightly injured when a car driven by a settler hit him. Eyewitnesses confirmed that the settler ran over Al Bayed intentionally. Settlers opened fire at a Palestinian bus. No one was injured. At the same time, Israeli soldiers opened fire at a taxi in the Ras Al Jora area of Hebron. Two passengers were arrested and the car was destroyed in an intentional explosion. (The Jerusalem Times, 21 June)

187. On 19 June, confrontations erupted between the residents of the Kalandia refugee camp and Israeli soldiers after attempts were made by the soldiers to remove street carts from the area. Two Palestinians were reportedly injured, while two were arrested. (The Jerusalem Times, 21 June)

188. On 22 June, clashes took place in the town of Samu, south of Hebron, when residents confronted the IDF in an attempt to prevent the confiscation of their land. Palestinian youths set fire to four Israeli bulldozers. (The Jerusalem Times, 28 June)

189. On 23 June, an Israeli woman and her baby were slightly injured when their car was stoned some 150 metres north of the Gush Katif junction. (Jerusalem Post, 24 June)

190. On 25 June, a number of incidents took place in the territories, in particular in Hebron. During one incident, two Palestinians were detained after throwing stones at border policemen; no harm or injuries were reported. (Ha'aretz, 26 June)

191. On 26 June, three Israeli soldiers were killed and two others were slightly wounded when gunmen opened fire at an IDF patrol from an ambush near the River Jordan. Afterwards, the gunmen reportedly fled to Jordan. According to a report by the Associated Press, a Damascus-based splinter group of the Fatah claimed responsibility for the killings, stating that the attack was in protest against the peace accords between Israel and the PLO. (Ha'aretz, Jerusalem Post, 27 June)

192. On 28 June, it was reported that more than 60 residents of Bidya had been arrested since the town was placed under curfew on 16 June. The IDF reportedly also smashed cars and attacked youths. (The Jerusalem Times, 28 June)

193. On 4 July, thousands of Palestinians from the village of Silat el Harithiyan (Jenin area) took part in the funeral of a wanted Islamic Jihad activist who had been found murdered (see list) in a house in El Bireh (West Bank) a day earlier. A police spokesman stated that the activist had been murdered in his bed with a knife on 1 July. Security sources suggested that the

murder was motivated by an internal conflict between the Islamic Jihad and Hamas. The Islamic Jihad and the victim's family blamed Israel and its collaborators for the murder. Palestinian and Islamic Jihad flags were flown at the funeral and mourners called for an attack to avenge the killing. In another development, six-month administrative detention orders were issued against three male residents of the village of Beit Ummar (Hebron area) who were suspected of belonging to the PFLP. The men were arrested on 25 June during a raid on their home. Three other residents who were also arrested during the raid were detained for interrogation. (Ha'aretz, 5 July)

194. On 5 July, the Fatah Hawks in Gaza distributed a leaflet warning of attacks against Israelis if an activist arrested by the GSS three days earlier was not released. The activist was arrested at the Rafah terminal on suspicion of killing an Israeli in 1993. (Jerusalem Post, 7 July)

195. On 6 July, a series of incidents were reported in the territories: an IDF soldier suffered minor scratches when an empty bottle was thrown at him in Hebron. Two incidents in which stones were thrown at IDF vehicles took place in the Ramallah area without causing any damage or injuries. A border policeman was slightly injured near Hebron. (Ha'aretz, 7 July)

196. On 10 July, an explosive device was thrown at an IDF outpost in the Bab A-Zawiya neighbourhood of Hebron. The device was detonated by an IDF bomb-disposal expert without causing any injuries. In a separate incident in Hebron, violent clashes erupted between IDF soldiers and Palestinian residents. Palestinian youths threw stones and empty bottles at the soldiers; no injuries were reported. The Palestinians stated that they wanted to protest against President Clinton's biased conduct in favour of Israel during his meeting with Benjamin Netanyahu the day before. (Ha'aretz, 11 July)

197. On 11 July, IDF soldiers clashed with Palestinian labourers from the West Bank who threw stones at them and tried to enter Israel without permits. A Palestinian doctor reported that he had treated some 30 labourers who had been injured by tear-gas inhalation during the clashes, which occurred near Tulkarm. According to the doctor, a woman from Jenin who suffered from respiratory problems was in serious condition. (Ha'aretz, 12 July)

198. On 12 July, an incendiary bottle was thrown at an Israeli vehicle in Gush Katif. The bottle exploded on the ground without causing any damage or injuries. The security forces launched searches in the area but made no arrests. (Ha'aretz, 14 July)

199. On 14 July, a number of incidents were reported in the territories; three stone-throwing incidents occurred in the Hebron area, without causing any damage or injuries. Other incidents in which stones and empty bottles were thrown at Israeli vehicles took place on the Ramallah bypass road; no damage or injuries were reported. In a separate development, the IDF and the GSS continued their campaign of arrests in the West Bank; more than 150 Palestinians suspected of involvement with the Hamas, Islamic Jihad and the PFLP had been arrested during the previous two weeks. Administrative detention orders were issued against 50 of them while the others were still undergoing interrogation. (Ha'aretz, 15 July)

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200. On 16 July, unidentified gunmen arrived at the home of a GSS collaborator in Beit Awa and opened fire through the windows, killing the collaborator and his brother-in-law (see list). Another family member was slightly injured by the gunshots and was transferred to a hospital in Hebron. The gunmen managed to escape. (Ha'aretz, 18 July)

201. On 19 July, Jewish settlers attacked demonstrators in the village of Qaryut. The villagers were holding a peaceful demonstration to protest against settler activities in their area. According to a report by the Palestine Society for the Protection of Human Rights and of the Environment, formerly the Land and Water Establishment for Studies and Legal Services, the IDF did nothing to prevent the settlers from trespassing on Palestinian land. The report indicated that the settlers had encroached on village property wielding canes, water pipes and automatic weapons while the soldiers watched without intervening. (The Jerusalem Times, 26 July)

202. On 23 July, an Israeli stabbed a Palestinian mechanic in the Shu'fat refugee camp, prompting residents to throw stones at him until the police came to arrest him. A police spokesman reported that the Israeli had asked the mechanic to fix a puncture in his tyre but when the latter declined on the grounds that the garage was about to close, the Israeli took out a knife and stabbed him. The assailant was reportedly placed in custody. (Jerusalem Post, 24 July)

203. On 26 July, "terrorists" opened fire from a speeding car at an Israeli vehicle near Beit Shemesh, killing an Israeli woman and her father-in-law and seriously injuring her husband, who died of his wounds two days later. The attack was carried out only 2 kilometres from the site of a similar attack that had taken place in June in which two Israelis were killed. Security officials believed that the same "terror" cell from Hebron, affiliated with the PFLP, was responsible for the attacks. The Cabinet issued a statement demanding that the Palestinian Authority take measures against all groups involved in "terrorism". In addition, Prime Minister Netanyahu stated that no restrictions would be imposed on the activities of the Israeli security forces. (Ha'aretz, Jerusalem Post, 28 and 29 July)

204. On 28 July, a drive-by shooting incident took place in the Beit Shemesh area within the Green Line, resulting in the death of three Israelis. The road was part of a network of roads that lead to the settlement of Kiryat Arba near Hebron. The shooting was believed to be the work of an armed cell from Halhul. Hebron was cut off from the rest of the West Bank throughout the weekend. (The Jerusalem Times, 2 August)

205. On 1 August, the IDF closed down an Israeli-owned quarry in the Hebron hills after four armed Palestinians had assaulted the guards and stolen automobile parts and equipment. (Jerusalem Post, 2 August)

206. On 7 August, a reserve soldier was slightly injured when stones were thrown at an IDF vehicle he was travelling in near Ramallah. A border policeman was slightly injured during a stone-throwing incident in the Hebron area. Other stone-throwing incidents took place on roads in the Hebron area, with no injuries being reported. (Jerusalem Post, 8 August)

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207. On 11 August, a number of incidents was reported in the territories: two incidents in which stones were thrown at Israeli and IDF vehicles occurred in Hebron. Two other stone-throwing incidents took place in Ramallah. No damage or injuries were reported. (Ha'aretz, 12 August)

208. On 18 August, it was reported that the IDF had uncovered an ammunition depot in the Hebron area containing numerous weapons that were destined for Hamas and the Islamic Jihad. In a separate development, 19 activists of the PFLP and the Islamic Jihad were arrested in the Hebron area and nearby villages. According to a security source, Hamas, the PFLP and the Islamic Jihad had extensive infrastructures in the area from which they launched attacks against Israelis. (Ha'aretz, 18 August)

209. On 28 August, gunmen opened fire at an Egged company bus travelling on the bypass road leading to Gush Etzion, slightly injuring two Israeli passengers. The PFLP claimed responsibility for the attack, which occurred after Palestinian Authority Chairman Yasser Arafat had attacked Israeli policies as amounting to a declaration of war against the Palestinian people. (Ha'aretz, Jerusalem Post, 29 August)

210. On 29 August, a bus driver was slightly injured when stones were thrown at his bus in Beit Umar near Hebron. Security sources reported that a large number of other stone-throwing incidents had occurred in the territories, especially along the bypass roads near Halhul and Ramallah, but had resulted in no damage or injuries. In another development, the IDF detonated ammunition at a large dump in Deir Balut near Tulkarm. The dump contained mortars and anti-tank grenades. The IDF also confiscated some 400 bullets found at the site. In a separate development, the IDF reinforced a number of troop units and deployed them throughout the West Bank with instructions to deal quickly and harshly with any unrest following Yasser Arafat's call for protest against the Government's policy of settlement construction and the demolition of Palestinian homes. The Central Command spokesman declared that the army would deal with any unrest with an iron fist. (Ha'aretz, Jerusalem Post, 30 August)

211. On 31 August, two foreign labourers were injured when a Palestinian youth opened fire at a group of labourers in the West Bank village of Baqa esh Sharqiya. In another incident, a priest was seriously wounded when he was stabbed in the chest by four youths in the Old City of Jerusalem. Two border policemen were slightly injured during two stone-throwing incidents in Hebron. Three other stone-throwing incidents occurred on the Ramallah bypass road. According to a military source, more than 100 incidents in which stones were thrown at IDF troops and settlers had been registered in the course of the month. (Ha'aretz, 1 September)

212. On 8 September, a confrontation occurred on Mount Jerzim near Nablus when officials in the Israeli Archaeological Department and Israeli soldiers broke into a construction site in the Samaritan quarter. Three persons, including an 85-year-old Israeli woman, were injured when the soldiers threw tear-gas bombs among the residents who had arrived at the site to protest against the Israeli intrusion on Samaritan properties. (The Jerusalem Times, 13 September)

213. On 11 September, it was reported that there had recently been an increase in the number of incidents involving the throwing of stones at soldiers in the territories. The agitation in the territories was ascribed to the non-redeployment of IDF troops in Hebron. (Ha'aretz, 11 September)

214. On 16 September, the police arrested an apparently mentally ill Jewish youth who had stabbed and slightly wounded a Palestinian woman from East Jerusalem. (Ha'aretz, 17 September)

B. Administration of justice, including the right to a fair trial

1. Palestinian population

Oral evidence

215. A Palestinian lawyer described to the Special Committee the violations committed regarding the administration of justice:

> "The first violation committed by the Israelis, that is, moving the prisoners from the occupied territories to their territory, is a violation of the Fourth Geneva Convention. The second violation is that lawyers have had no access to the files or to meet the prisoners. The third violation is that for many months the families could not see their relatives - which we could call customary." (Anonymous witness No. 8, A/AC.145/RT.693)

216. The witness described in particular the situation faced by Palestinian lawyers:

> "The first thing to say is that the lawyers are living in a chaotic situation. The files have been moved from one place to another. It is like somebody who has changed flat. He needs three or four months to know where he put what. So many files are missing and every day we are faced with the same problem.
>
> "So you neither know what the confession of the prisoner is, nor do you know the charges he is accused of, until the first session - and that will take between two to five or six months. We have cases dating back December 1995 of which we still today do not know the file number.
>
> "So, for most cases we deal with, either the file is not there when the prisoner is in the court, or the file is there, but the prisoner has not been brought to court. As a result, there is a further postponement for the case." (Ibid.)

217. The same witness elaborated further about the problem of access of lawyers to prisoners:

> "The second problem today is that all prisoners are now located outside the occupied territories. All prisoners were moved from the

> West Bank to prisons inside Israel. This means that neither the lawyers from the West Bank nor the families have access to the prisoners.
>
> "Thanks to the pressure we had put on the High Court, our organization succeeded in getting a permit for our lawyer, but for two periods only and each time was for only one week. So the permit was temporary and after the second renewal, it was cancelled. There was no reason for this, neither security reasons against the lawyer nor any other reasons.
>
> "But no other lawyers managed to get a permit to enter Israel. As a result, in most of the cases handled by Palestinian lawyers carrying West Bank or Palestinian identity cards and representing a client from the West Bank, these lawyers had to give up their cases and hand them over to Israeli lawyers or to Palestinian lawyers living inside Israel or 'Jerusalemized' lawyers who have permits of the Israeli Bar Association." (Ibid.)

218. In view of the above, the witness drew the Special Committee's attention to the financial problems faced by prisoners' families:

> "A lawyer from the West Bank would charge for example 300 dollars for a case, but a lawyer from inside Israel would charge 3,000 for the same case. This means that the families have to carry another big financial burden, on top of the burden of not being able to see their family members, not being allowed to attend the court meetings, not being able to choose the lawyer they want because they trust him. Thus, they have to take another lawyer who is an Israeli lawyer or affiliated with the Israeli Bar." (Ibid.)

219. The witness also spoke about the psychological effects of the relocation of detainees outside the occupied territories:

> "Another issue is the fact that the interrogation system also has moved from the West Bank to Israel. Consequently, the prisoners are dealt with with the new techniques of physical pressure and psychological pressure far away from the territories. When a minor is caught in Bethlehem and taken to Ashkelon in the south, he feels that he is being taken away from his home. He is like in another country. This leaves us with many psychological consequences when the prisoners are released." (Ibid.)

220. The witness described how he viewed the administration of justice at present:

> "We used to speak about the Israelis not granting fair trials in the military courts. And everybody knows that during emergency or occupation, there are no fair trials, but at least it became something that was accepted. Today, I don't call it a court at all. There is no name that you could give to those kinds of courts, those kinds of treatment." (Ibid.)

221. The Special Committee was informed about the system of administrative detention in the occupied territories:

> "Today, the system of administrative detention is such that 90 per cent of the administrative detainees get an automatic renewal for another period of four to six months. I can remember that 65 administrative detainees received a renewal for the third, fourth and fifth time. But this automatic renewal shows that we need to go to the High Court, because it means that the Government does not respect the court system." (Ibid.)

222. The witness also provided the Special Committee with background information regarding administrative detention:

> "Today it is the Israeli Emergency Law. The British emergency laws were incorporated into the Israeli emergency laws. Before the uprising, only a few people were arrested and put under administrative detention. The Israelis never claimed that this is accepted by the Geneva Convention. Administrative detention is to be a last resort to hold someone whom they cannot prove to be committing anything against the security of the occupation.
>
> "During the first few years of the uprising, the law provided that only a high general commander would be allowed to issue orders of administrative detention, for a period of up to six months, to be renewed by the same military order and not automatically, after a special military committee was established inside the prison itself to listen to the appeals of the administrative detainees.
>
> "Later during the uprising, the law was changed in order to allow any officer with the rank of, I think, three stars, that is captain (I don't know the ranks in English), to issue a military order for up to one year automatically, with the same procedure of appeal.
>
> "The appeal committee is a military committee, a committee of soldiers, not judges. They become judges by serving in the committee as judges. So, they could be settlers, they could be fundamentalists, they could be anyone serving in the army and by chance be given this position as a kind of lawyer. Only one person in the committee should be a judge, a real judge from a civil court." (Ibid.)

223. The witness alerted the Special Committee to the increased strictness of sentences meted out to Palestinians for certain offences since the signing of the Oslo Agreements:

> "Since 1967 until the peace negotiations in Oslo, Cairo and Taba, the average sentence for stone-throwing for instance would have varied between three months and five months. Today, for the same offence, the minor is sentenced to more than 10 months. The reason behind it, as always invoked by the judge towards our lawyers, is that if anyone, whether he is a minor or an adult, commits such an offence, it means he is against the peace

> process, he is destroying the peace process! So the court is dealing here with a political issue. It is not a legal issue." (Ibid.)

224. The witness described to the Special Committee the justification invoked regarding the equal treatment of juvenile and adult offenders, including during interrogation:

> "Also, we protested against the cancellation of a distinction in treatment between juveniles and others in the court, because there were some military orders that would give some benefits to the minors if they were below the age of 16. The judge's answer was that stone-throwing is a child's issue, is a practice of children, so you have to punish the children. You do not expect someone who is 40 years old to throw stones at the army. But, so they say, we have to punish those children, because they are the ones who throw stones at the Israelis.
>
> "And there is no differentiation in the treatment of juveniles and adults during the interrogation period. The same techniques, the same torture procedures are used similarly for minors and adults.
>
> "Also, the Israelis do not confer the benefits of being a minor under international law, that is rehabilitation, probation officers, education or vocational training. They do not give the minors the right to a fair trial as a juvenile before a juvenile judge. The accused minor is not interrogated while his family is attending the court. The families have no rights to intervene on behalf of their child. The lawyer is not given the right to represent a child as in a fair trial. So the whole issue of a fair trial is violated right from the beginning. The arrest procedures are violated. The moment they arrest a child at night, it is a violation. The detention facilities themselves are not prepared for juveniles." (Ibid.)

225. The witness drew the Special Committee's attention to the differentiation between Israeli juveniles and those from the occupied territories:

> "The Israelis consider as minors children under the age of 13 if they are from the West Bank, under the age of 16 if they are, as Arabs, from Jerusalem or from inside Israel. If they are Jewish, under the age of 18 they are still minors. So in the military courts in the West Bank, minors are children under the age of 13 years. Sometimes, not in the courts but in the detention facilities, children under the age of 16 are treated with some privileges. In court, it does not change anything regarding the sentences." (Ibid.)

226. The witness elaborated further upon the issue by providing the Special Committee with background information:

> "Well, the Israelis should have treated the Palestinians in the occupied territories according to the Geneva Convention. This would have forced them to use the laws that existed before the night of the occupation, namely the Jordanian law in the West Bank and the Palestinian law in the Gaza Strip. But since 1967, they have issued more than 10 new military orders, amending or cancelling those laws. This means, if you

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> look at it, that they have changed the whole system of the Jordanian juvenile justice. Also, they don't call it a juvenile justice law. This is a way of trying to separate ages. Under the age of 12, they cannot sentence any children. Under the age of 13, that is between 12 and 13, they can sentence the child for a period of six months if the crime he is accused of is sentenced for a period of less than five years. For stone-throwing, which is 3 to even 10 months as I said before, it is by law up to 10 years. So, it doesn't mean that stone-throwing is only one year. For children under the age of 13, they amended the law so that the family of the child could be fined or imprisoned for the acts of the child. This was a policy used during the period of the uprising. Between the age of 14 and 16 years, the minor is treated as a minor and is being separated from the other detainees in the detention camp. Before the court, he can be sentenced to up to 5 years if his sentence is up to 20 years. So, this is just a way of separating ages, but it doesn't mean practically making any difference between minors and adults. After the age of 16, there is no differentiation at all between a minor and an adult, in the sentence or in the place of incarceration." (Ibid.)

227. Another witness described what happens to persons when they are arrested:

> "Yes, the Israeli law provides that the people should be brought to court. But as yet, nobody has been arrested and told that he has specific charges brought against him. The arrests are applied as security measures.
>
> "The period of one or two weeks is just for questioning. Nobody is brought before a judge; nobody is brought before a court.
>
> "People are arrested, taken directly to Al-Majdal for questioning and if something is proven against the person by way of a charge, then he is taken to court. But not before." (Anonymous witness No. 3, A/AC.145/RT.691)

228. The witness gave the example of his own detention at a prison camp were conditions of detention are reputed to be particularly harsh:

> "Well, speaking of my own case, when I was arrested, I was detained for 18 days at Al-Ansar camp without being brought before a judge. It was just questioning.
>
> "I was accused of having participated in stone-throwing incidents, or that perhaps I was hiding somebody. I was questioned on a number of similar acts. I was accused of being engaged in such acts, but these are things I had not been engaged in. After 18 days, I was officially accused of distributing leaflets. I had to sign a confession. That came after several days of torture." (Ibid.)

229. The same witness described to the Special Committee the circumstances in which he signed a confession:

> "I was made to sign a statement. It was written in Hebrew. They read it aloud in Arabic and I was asked to sign.

> "I was told that I had been engaged in distributing leaflets. There were four charges in the accusation paper I signed. I confessed to two of them at the beginning, but then to all four because of the torture.
>
> "I was also accused of being a member of the Al-Fatah organization. I was accused of inciting Palestinians to engage in acts of violence against the occupation authorities. There were other charges like organizing events. In the end, I confessed to everything, in order to have the torture stop." (Ibid.)

230. The Executive Legal Director of the Society of St. Yves described the legal system applying to the occupied territories:

> "In international law, they are not allowed to change the existing legal system. But they have completely ruined the civil legal framework for Palestinians in the West Bank.
>
> "For instance, they removed the whole question of land ownership and land disposition out of the local courts and put it into the committees.
>
> "They forge documents - and I have got cases where they have forged documents. They lie. They will destroy evidence and they will make up evidence. And so, when that is an integral part of a system, under the guise of a so-called legal system, I must say, in faith to my profession as a lawyer - not as an Israeli or anything else, but as a lawyer - this is not a legal system. This is sheer force and violence and it is probably no different to, and in fact I think that it is worse than what happened in South Africa under apartheid." (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

231. Accounts of the administration of justice in the occupied territories may be found in documents A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer).

Written information

232. On 1 April 1996, an Israeli district court decided to postpone until 13 May a decision to authorize the confiscation of the land belonging to two Palestinian residents, Abu Ghneim and Um Tuba, on which a new settlement, Har Hahoma, was to be built. (The Jerusalem Times, 5 April)

233. On 21 April, four Arabs who had been injured when police fired at rioters on the Temple Mount in 1989 petitioned the High Court of Justice regarding the fact that they still had not received any compensation. According to the petition, the Government requested the Arabs to submit their claim to a special interministerial committee. However, they were able to appear before the committee only in December 1995 since its convening was repeatedly postponed. The petitioners claimed that at that time they had been promised a decision within a month but that no decision had been forthcoming so far. (Jerusalem Post, 22 April)

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234. On 1 May, a Palestinian security court sentenced a Hamas activist, Iyad Salah, to 12 years of hard labour for stabbing an Israeli settler in Hebron. The settler, Nissim Gwadia, 61, reportedly continued to be in critical condition. (The Jerusalem Times, 10 May)

235. On 5 May, the Nazareth Magistrate's Court sentenced two Palestinians from the Jenin area to 14 years' imprisonment for attempting to kidnap an Israeli soldier in September. (Ha'aretz, 6 May)

236. On 6 May, the Palestinian driver who had been charged with bringing the Dizengoff suicide bomber to Tel Aviv appealed to the High Court of Justice against a lower court decision to remand him pending his trial. The Palestinian argued that while he had been negligent in not investigating his passenger's motives more carefully, negligence did not constitute sufficient grounds for conviction on a charge of abetting murder, which constituted the basis for his remand. The State, however, argued that the Palestinian had numerous hints about the bomber's intention but chose to ignore them. (Ha'aretz, Jerusalem Post, 7 May)

237. On 12 May, the Attorney-General of Israel stated before the Israeli High Court that the IDF had undertaken activities of a military nature and that the State was therefore not responsible for compensating Palestinians injured during the intifada. (The Jerusalem Times, 17 May)

238. On 17 May, it was reported that the Israeli High Court had rejected a petition by 26 Palestinian families to stop the levelling of their property for the opening of a circular road. The new road cuts into Palestinian-owned land in Hebron and Halhul. (The Jerusalem Times, 17 May)

239. On 20 May, the Beit El Military Court found two residents of Ramallah guilty of attempting to lynch an Israeli reserve soldier who accidentally drove into Ramallah in 1994. One Palestinian was sentenced to five years and four months' imprisonment, while the other was sentenced to six years and one month. (Jerusalem Post, 21 May)

240. On 28 May, the Israeli High Court of Justice took the decision to evict the Jahalin Bedouins from their homes. The Bedouins were to move from the area adjacent to the Maaleh Adumim settlement on the eastern outskirts of Jerusalem to a location near the Izzariyeh garbage dump. The court ruling, which affects 300 families, gave them three months to relocate. The Jahalin Arabs, a tribe from the Beersheba area, moved to the Izzariyeh area following the war of 1948. (The Jerusalem Times, 31 May)

241. On 30 May, the eviction of Khalil Malhi from his house in Wadi Hilweh, Silwan, in East Jerusalem was halted by an Israeli court order. Officials in the Israeli Executive Department claimed that the house had been sold to an extremist Jewish group. Malhi's lawyer applied for an appeal hearing. (The Jerusalem Times, 31 May)

242. On 7 June, it was reported that the Jerusalem Magistrate's Court had sentenced an 11-year-old Palestinian to a two-year suspended prison term for having thrown stones at a border police jeep in the Shu'fat area. The boy was

reportedly at the minimal age limit for a prison sentence. In explaining the Court's decision, the judge stated that the youth should have been sentenced to at least one and a half years' imprisonment. (Ha'aretz, 7 June)

243. On 13 June, the Lod Military Court sentenced a 21-year-old Palestinian from Jerusalem to life imprisonment for murdering an IDF soldier on 6 July 1994. (Jerusalem Post, 14 June)

244. On 20 June, the Jerusalem Magistrate's Court sentenced a Palestinian from East Jerusalem to nine years' imprisonment plus one year suspended for stabbing and moderately wounding a Jewish worshipper in the Old City of Jerusalem in June 1995. (Ha'aretz, 21 June)

245. On 25 June, a resident of Gaza suspected of collaborating with Israel petitioned the High Court of Justice against the State's refusal to grant him residency rights. The petitioner reportedly applied for citizenship or permanent residency on the basis of the fact that his wife was an Israeli citizen and that his life would be in danger under the Palestinian Authority. (Jerusalem Post, 26 June)

246. On 2 July, it was reported that the High Court of Justice had issued an interim order forbidding Israel to expel from the country a male resident of Beit Hanoun (Gaza Strip) pending the Court's deliberation on his appeal to order the Interior Minister to grant him Israeli citizenship or permanent residency in Israel. The Palestinian claimed that he was entitled to Israeli citizenship since he had been married to an Israeli for seven years. He also claimed that his life would be in danger if he was expelled to Arab territory. He stated that he was being persecuted by the Palestinian security forces because of his links with a GSS collaborator and because of the assistance his family had provided to the Israeli security forces. The appeal claimed that the Interior Minister's refusal to grant him citizenship on "security grounds", despite the danger this posed to his life and marriage was completely unreasonable and arbitrary and discriminated against him as compared with other people in the same situation who had not been expelled. According to the appeal, two of the petitioner's cousins had been murdered in Rafah because they were suspected of collaborating with the Israeli security authorities. The petitioner's attorneys presumed that the "security reasons" referred to by the Israeli authorities concerned his conviction of illegal possession of a pistol in 1990, for which he had been sentenced to 10 months' imprisonment, and two other non-security offences: in 1983, he had been tried for stealing a vehicle, while in 1993, he had served an eight-month prison term for possessing burglary equipment. (Ha'aretz, 2 July)

247. On 10 July, the High Court of Justice issued an order nisi granting OC IDF troops in the West Bank 45 days to clarify whether the law authorized him to issue demolition orders concerning the tents and tin shacks belonging to the members of the Jahalin tribe in Maaleh Adumim. According to the tribe, four months earlier the subcommittee that supervises construction in the West Bank had issued demolition orders regarding their tents and shacks on the grounds that they had not submitted requests for construction permits. The petitioners' attorneys claimed that there was no legal basis for the destruction of the tents and shacks since only edifices made of proper building material required the

issue of a permit under Jordanian law, which was in force in the area. The attorney stated that, in their view, tin and fabrics could not be considered building materials. (Ha'aretz, 11 July)

248. On 18 July, it was reported that the Lod Military Court had sentenced a 23-year-old Palestinian, Abdel Nasser Atallah, to two consecutive life terms in prison for assembling explosives and dispatching the suicide bombers who had blown themselves up on buses in Ramat Gan and in Jerusalem in 1995, killing nine people. (Jerusalem Post, 18 July)

249. On 22 July, the Jerusalem Magistrate's Court sentenced a 27-year-old Palestinian man from the Nablus area to 10 years' imprisonment for the attempted murder of two border policemen in East Jerusalem in November 1995. The court decided not to issue a severe sentence against the defendant in view of his psychological problems and the fact that no real harm had been inflicted as a result of his acts. (Ha'aretz, 23 July)

250. On 29 July, it was reported that the Defence Ministry had paid 25,000 new Israeli shekels (NIS) in compensation to a Palestinian family who had sued Israel for the death of their one-month-old infant whose ambulance had been held up at a checkpoint during the closure. A Defence Ministry spokeswoman declined to disclose the amount that the family had received as compensation, but Palestinian sources told the Associated Press that the sum was NIS 25,000. The case reportedly concerned the family of Shaker Shawahneh, who, according to doctors, died in Tulkarm Hospital on 9 March after Israeli soldiers had kept the ambulance he was in waiting for over an hour and a half. The doctors stated that the boy, who suffered from pneumonia, died of hypothermia and could have been saved had he arrived at the hospital earlier. The IDF spokesman stated at the time that an inquiry into the incident had found no link between the boy's death and the delay, which it claimed amounted to only 30 minutes. Nevertheless, it reprimanded the officer who was at the roadblock for "insufficient sensitivity" in dealing with the situation. (Jerusalem Post, 29 July)

251. On 6 August, it was reported that the Jerusalem Magistrate's Court had ordered the State to pay compensation the parents of a girl who had been seriously injured by IDF rubber bullets during the intifada. The Court ruled, however, that the parents were negligent in taking care of their daughter in the harsh environment of the intifada and therefore reduced the amount of the compensation by 25 per cent. The parents claimed that their daughter had been injured in February 1989 by rubber bullets while playing in the street in the Shvura refugee camp, as a result of which she suffered 100 per cent disability. Two eyewitnesses claimed that a solider had intentionally shot at the girl from a distance of 25 metres. The State did not bring the soldiers who were involved in the incident to the court as witnesses on the grounds that the complaint had been filed a long time after the incident had taken place and that it had been impossible to locate the soldiers. The State also claimed that the IDF operational journals suggested that the girl was injured during riots. It claimed that the law relieved it of any responsibility for injuries of civilians during an IDF war operation. (Ha'aretz, 6 August)

252. On 11 August, the High Court of Justice rejected the appeal of the Islamic Relief Association based in Nazareth asking that it be allowed to reopen. The Court ruled that the Association was part of the economic base of Hamas and provided assistance to families of Hamas "terrorists" who had been killed, imprisoned or expelled from the country. The appeal, which was filed in March after Maj.-Gen. Amiram Levine had closed the Association, stated that the Association was a charitable organization helping poor Palestinian families and that it did not pose a security threat. (Ha'aretz, Jerusalem Post, 12 August)

253. On 12 August, the Dotan Military Court sentenced three Hamas activists to three and a half years of imprisonment plus four years' suspended jail term for throwing stones and incendiary bottles at Israeli vehicles on the Ramallah bypass road. (Ha'aretz, 12 August)

254. On 21 August, the Lod Military Court sentenced a Palestinian from Jerusalem to 22 years' imprisonment for assisting the murderers of an Israeli soldier, Nahshon Wachsman. The Palestinian was convicted on charges of helping the murderers find a hide-out where they kept the kidnapped soldier. (Ha'aretz, 22 August)

255. On 28 August, the Israeli High Court of Justice issued an order temporarily stopping the eviction of the Jahalin Bedouin tribe from the land where they live near the Maaleh Adumim settlement. (The Jerusalem Times, 30 August)

256. On 6 September, it was reported that the Israeli High Court upheld the eviction order against the Jahalin Bedouins which stipulates that the tribe be moved to an alternative site near Abu Dis. The court accepted the argument that the new site was within Area C. (The Jerusalem Times, 6 September)

2. Israelis

Written information

257. On 9 April 1996, the Tel Aviv Magistrate's Court ordered the release on NIS 6,500 bail and a six-day house arrest of an Israeli policemen, his brother and another Israeli citizen who the police suspected of beating and attempting to kidnap a Palestinian worker they suspected of stealing a mobile phone from one of them. According to the police, the three had arrived at the Palestinian's workplace in Tel Aviv, forced him into their car and beaten him as they tried to verify whether he had stolen the mobile phone. The Palestinian needed to undergo medical treatment in hospital as a result of the beating. (Ha'aretz, 11 April)

258. On 12 May, OC Central Command issued an order restricting the movements of a settler from Neveh Daneil and extending by three months the orders previously issued against four other right-wing activists. (Ha'aretz, Jerusalem Post, 13 May)

259. On 14 May, the High Court of Justice rejected a petition by six members of the Hay Vekayam movement against administrative orders barring them from entering the Temple Mount. The petition charged that the orders constituted

improper use of the emergency defence regulations to stop political protest. The Court ruled, however, that the State's argument that the six might provoke Muslim violence was reasonable. The Court also rejected a similar petition by the leader of the Temple Mount Faithful. (Ha'aretz, Jerusalem Post, 15 May)

260. On 6 June, the Jerusalem Magistrate's Court acquitted two settlers from Maaleh Levonah of charges of threatening Arabs with arms. The charge sheet against the two settlers was filed more than four years after they had allegedly committed the offences. It claimed that in January 1990 the settlers stopped an Arab truck on the outskirts of Ramallah, threatening it with a gun and demanding that its two Arab occupants remove a Palestinian flag from an electricity line at the site. When the Arabs did not manage to remove the flag, the settlers had started to throw stones at them, broken the windscreen of their truck and fired several shots. (Ha'aretz, 7 June)

261. On 7 June, it was reported that the Jerusalem Magistrate's Court had decided to drop charges against two Jewish youths who admitted to throwing stones at Arab vehicles on the Maaleh Adumim road. The decision meant that no criminal files would be opened against the youths. However, the Court sentenced one youth to one and a half year's probation and the other to 300 hours of community work. The judge stated that she had decided to issue a lenient sentence because the youths had thrown stones two days after an attack in Kfar Darom in which 8 people had been killed and 60 injured. She also pointed out that the youths had expressed regret for their acts. (Ha'aretz, 7 June)

262. On 21 June, it was reported that the OC Central Command had decided not to extend the validity of restricting orders banning five extreme right-wing activists from entering the West Bank. On the other hand, the officer decided to extend by three months the validity of similar orders against seven other right-wing activists. (Ha'aretz, 21 June)

263. On 2 July, it was reported that the High Court of Justice had rejected a petition by the only Jewish administrative detainee that he be released from detention. The justices ruled that GSS classified evidence justified the detention order issued by OC Central Command. The justices stated that the evidence on file suggested that the detainee, a settler from Bracha, posed a threat to the public and to the security in the area. The justices took note of a statement by the representative of the Officer-in-Charge of the Prisons Service that every request to ease the settler's conditions of detention had been examined, including that to allow him to receive visits from his wife and family more frequently. (Ha'aretz, 2 July)

264. On 2 July, Rabbi Moshe Levinger was released from prison after serving two thirds of his prison term. He had been sentenced to seven months' imprisonment for rioting in the Cave of the Patriarchs (Ibrahimi Mosque). (Ha'aretz, 3 July)

265. On 9 July, a 26-year-old Israeli who had been arrested seven months earlier on suspicion of planning to blow up the Al-Aqsa Mosque with an RPG missile, was convicted of other offences: possession of drugs and knives at the time of the arrest of attacking a policeman. In addition to the nine-month prison term, the Jerusalem Magistrate's Court issued what was described as an unusual sentence: his banishment from Jerusalem. The youth admitted to wanting to blow up the

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Mosque but stated that he had decided not to do it in the end. However, the charge sheet against him did not mention that issue at all. (Ha'aretz, 10 July)

266. On 15 July, the Jerusalem Magistrate's Court sentenced an Israeli policeman to a three-month suspended prison term for beating a Palestinian boy near the Temple Mount in 1993. The policeman was also ordered to perform 80 hours of community service at a hospital in Jerusalem. The judge stated that the offence was particularly serious because it had been committed by a uniformed police officer against a 10-year-old boy. (Jerusalem Post, 16 July)

267. On 23 July, a senior GSS agent stated that he was the one who had killed two Palestinian "terrorists" captured alive after they had hijacked bus No. 300 and that he was proud of his act. Interviewed for the first time since the incident, the agent told the Yediot Aharonot daily that he had carried out the execution on the orders of the then head of the GSS. The officer stated he had agreed to speak out since he was retiring from the GSS with the rank of major-general, after 24 years of service. The affair reportedly began when the now defunct Hadashot daily broke the censorship rules and published photographs of the "terrorists", who appeared very much alive despite GSS claims that they had been killed when commandos liberated the bus. A military court later acquitted the then chief paratrooper officer. The Attorney-General called for the dismissal of the head of the GSS but the National Unity Government refused to comply. Then President Chaim Herzog pardoned the head of the GSS and all other GSS agents involved in the incident for fear that the incident might cause irreparable damage to the security agency. (Jerusalem Post, 24 July)

268. On 1 September, the Jerusalem Magistrate's Court acquitted a settler from Shani in the Hebron hills of charges of supporting a "terrorist" organization, but convicted him of inciting to rebellion for comments he had made following the assassination of Yitzhak Rabin. The settler reportedly told a foreign TV crew on the day of Rabin's funeral that he was very happy that the dictator Rabin was dead and that he hoped that the Israeli people would fight against satanic Islam and Arab rule in the land of Israel. He was sentenced on 10 September to 21 days of imprisonment plus a four-month suspended sentence. (Jerusalem Post, 2 September; Ha'aretz, 11 September)

269. On 10 September, an Israeli soldier was sentenced to 18 days of solitary confinement for refusing to serve in Hebron. (Ha'aretz, 11 September)

270. On 12 September, OC Central Command Uzi Dayan revealed during a meeting with settlement leaders that there had been a decrease of one third in the number of restricting orders issued against right-wing activists. (Ha'aretz, 13 September)

271. On 10 September, the Ashkelon Magistrate's Court sentenced a settler from Neveh Dekalim in Gush Katif to community work for demolishing with a tractor the fence of a Palestinian school in Deir el Balah. (Ha'aretz, 11 September)

272. On 16 September, the Jerusalem Magistrate's Court sentenced a new Jewish immigrant to four months of imprisonment plus a two-month suspended sentence for planning to carry out an attack against Arabs. (Ha'aretz, 17 September)

C. Treatment of civilians

1. General developments

(a) Harassment and physical ill-treatment

Oral evidence

273. A witness described how persons were sometimes treated at checkpoints:

> "Regarding the checkpoints, we have to carry more than one permit, that we have to get from the Israeli Intelligence. Let me tell you about the Erez checkpoint. It is two metres wide and 600 metres long. There is a huge crowd of workers at the same time, early in the morning. They admit us one at a time and they proceed to a very slow search. Any mistake, anything we do and we get beaten. It takes about two hours to go through. This is not the only checkpoint. We also have to cope with other checkpoints.
>
> "There are no fixed checkpoints, but there could be police and border police doing surprise checks." (Anonymous witness No. 4, A/AC.145/RT.691)

274. Another witness described the situation of Palestinians leaving the Gaza Strip at the Erez checkpoint:

> "Our problems are the following: when we leave the Gaza Strip and want to cross into Israel at the Erez crossing point, we have to wait in a queue, for long hours. When there are journalists around, the waiting is not that long. We are not allowed to pray there. Then, we take the bus. There are always inspections on the road. Sometimes, some workers are kept behind. Often the workers are humiliated and insulted. The police is also after us inside Israel, despite the fact that we have valid work permits. But they do not take any notice and they delay us." (Anonymous witness No. 6, A/AC.145/RT.691)

275. The same witness told the Special Committee about the treatment of a boy aged about 10 by Israeli soldiers:

> "In Gaza once, I saw a child, not older than 10 years, who was looking after his sheep. Some animals entered a zone belonging to an Israeli settlement. The Israeli soldiers caught him and beat him very severely, asking why he let the sheep enter the settlement. Then, they left. I arrived with my car and took the child to the Joint Liaison Unit. There, they questioned the soldiers who had beaten up this child. There was a discussion between the soldiers and the police officer, but it came to nothing. That is inside Gaza." (Ibid.)

276. Mr. Ibrahim Shehada, a fieldwork coordinator at the Gaza Centre for Rights and Law, described the treatment of Palestinian workers crossing into Israel at the Erez checkpoint:

> "The main and vital passage is Erez. It is situated to the north of Gaza City. Through this crossing point, the goods come in and it is also used by the workers. The Israeli soldiers practice there a method called the 'hallabat' in Arabic. What is it? 'Hallabat' means the milking of cows. There are 12 gates. At the end of each of them, there is a soldier, who is supposed to be 'milking the cow'. The Palestinian worker has to be deprived of all his human personality. He has to be searched and subjected to a check. After this operation, which takes some time, his documents are fed into the computer and only then is he allowed to go in. He has to go through the same procedure on his way home." (Mr. Ibrahim Khamis Shehada, witness No. 7, A/AC.145/RT.692)

277. A representative of the Association of Physicians for Human Rights described the harassment to which a serious heart patient who subsequently died was subjected at a crossing point:

> "There are other cases as well, the latest one happened on 13 June 1996. Ibrahim Mohammad Al-Sarsawi, aged 34, from Gaza, was in a very serious heart condition. The Shifa Hospital at Gaza City had already made urgent contact with the Tel-Hashomer Hospital in Tel Aviv, which was prepared to receive this patient, because of the gravity of his condition. However, when he arrived at the Erez crossing point, he was stopped. I spoke to the driver of the ambulance transporting this patient. He told me that the soldiers at the crossing point had asked the patient to repeat his name, write it on a piece of paper and give the number of his identity card, although he was under artificial breathing! Other people confirmed the facts. Because of a delay of more than an hour and a half, the condition of the patient deteriorated. The driver could not then drive him to Tel Aviv, which would have taken another hour and a half and he decided to take him to hospital in Ashkelon. The patient died before he reached the hospital." (Mr. Salah Haj Yehya, witness No. 12, A/AC.145/RT.694)

278. A witness spoke to the Special Committee about the harassment suffered by Palestinians on roads near settlements:

> "On the subject of harassment and settlements, there are Israeli settlements on the way from Gaza to Rafah. The name of this complex of settlements is Kfar Darom. Because we have to cut across the settlement on the public road, we see that Israeli soldiers stop Palestinian cars, take the ID cards and search the cars. This is something very unpleasant for the Palestinians, in addition to other harassment they are exposed to. They do not feel secure about this attitude. But this is only what one sees on the public road." (Anonymous witness No. 3, A/AC.145/RT.691)

279. The witness also described the arbitrary manner in which arrests were sometimes carried out at checkpoints:

> "Concerning the crossing point, sometimes the Israelis arrest people without having any specific charges against them, for no reason at all. When we protest, we are told that these are security measures that are of no concern to us, although the Agreement specifies that arrests can only be carried out in one of three cases, namely, when the person is carrying a

weapon, when the person is exposing somebody's life to danger, when the person is engaged in acts of vandalism. Those are the three cases when arrests could be carried out. And yet we have seen them arrest people who are not guilty of any of the three offences and we are always told, when we protest, that these are security measures. The people arrested are taken to Al-Majdal for questioning for a period of one week, sometimes two weeks. Thereafter, they are released." (Ibid.)

280. A witness from Jerusalem described the situation regarding Orient House:

> "However, incited directly or indirectly by rightist elements and with the help of the police, the Israeli Government is creating difficulties and trouble for Orient House, like for example, the establishment of a camp in front of Orient House on the public road, grouping elements of the Israeli right (which is now part of the new Government), who are there 24 hours a day, disturbing and threatening the passers-by, not only under the very eyes of the Israeli police, but rather even with the assistance of the police who, it seems, have come more to protect them than try to 'disengage' the problems created by the harassment and trouble they are making." (Mr. Abdel Rahman Abu Arafeh, witness No. 10, A/AC.145/RT.694)

281. A witness described how his son was treated on one occasion in Jerusalem:

> "My son is in his last year of secondary school. He was walking on the street, close to the Damascus Gate. Every 20 metres, you find soldiers from the army and the security forces as well. That was at the time when the last violence took place. So, my son was walking on the street, together with a friend. They were aggressed by soldiers and he fell on the ground. My son had to fight back. You know, he is a teenager. It is only natural that he should react. They took him away and detained him for one week. I didn't see him for one week. When they could not convict him of anything, he was released. But they charged us a fine of 3,000 shekels, which is about 1,000 dollars." (Mr. Mahmoud Abdallah, witness No. 13, A/AC.145/RT.695)

282. This is how a witness described the behaviour of the Israeli security forces:

> "They were looking for some young men and they accused us of harbouring these people in our house. They break into the houses and vandalize. They closed down my niece's house." (Anonymous witness No. 15, A/AC.145/RT.695/Add.1)

283. A witness from the occupied territories described the treatment he was subjected to by the Israeli army:

> "I was going to work, after a closure that had lasted one month. We were followed by an army car on the main road close to my village. We were stopped. They asked us to get out of the car. They searched the car very thoroughly. A soldier came close to me and hit me. He hit me with the butt of his rifle. The reason why he hit me was that I had turned to my brother and he thought I was going to say something to him. The others who

> were still in the car were made to lie on one side. But because I had a beard, I was accused of belonging to Hamas. I was threatened, repeatedly. After about one hour of being detained, the soldier said that if he saw me one more time, he would put us all in prison. That was the incident." (Anonymous witness No. 16, A/AC.145/RT.695/Add.1)

284. A witness from Gaza told the Special Committee about the passage of persons and goods between Israel and the occupied territories:

> "If they allow a merchant or a car to go into Israel to bring some food or some fruit, for example, there are obstacles, inspections. It takes many hours to pass. Sometimes they even repeat it again, after the people have waited for 8 or for 10 hours. The people feel that they are stressed. They have the right to live and to eat." (Mr. Omar Khalil, witness No. 5, A/AC.145/RT.691/Add.1)

285. Another witness described what happens under the closure when export goods are finally allowed to leave the occupied territories and the procedures regarding trucks:

> "Even when Israel eases the restrictions on agricultural exports, security measures more often than not lead to the damage of the perishable agricultural goods, such as strawberries, cucumbers, tomatoes and other vegetables, because of delays at the border. Long lines of trucks wait for checks at the crossing points to Israel. When the trucks have to wait for two or three days, the goods they transport get bad, the trucks return to Gaza and the products cannot be exported. That happens quite often." (Mr. Hamdi Shaqqura, witness No. 20, A/AC.145/RT.697/Add.1)

286. Accounts of harassment and physical treatment may be found in documents A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh), A/AC.145/RT.694 (Mr. Salah Haj Yehya), A/AC.145/RT.695 (Mr. Mahmoud Abdallah), A/AC.145/RT.695/Add.1 (anonymous witness), A/AC.145/RT.695/Add.1 (anonymous witness) and A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura).

Written information

287. On 17 April 1996, the mother of a wanted activist from the PFLP complained of damage caused to her house by IDF soldiers during searches. (Ha'aretz, 18 April)

288. On 14 May, the IDF attacked a number of Palestinian farmers from Beit Ola, near Hebron, while they were working in their fields. Palestinian sources indicated that the Israeli soldiers had chased and attacked the farmers, destroying their crops, on the pretext that the area was closed for security reasons. (The Jerusalem Times, 17 May)

289. On 21 June, it was reported that Israeli soldiers and settlers had been harassing farmers and shepherds in a number of villages around Hebron. A

farmer, Salem Ismail Al Suweiti from Beit Awa, reported that he had been kidnapped by settlers, beaten up and then left on the road. (The Jerusalem Times, 21 June)

290. On 8 July, the Under-Secretary of the Palestinian Authority Ministry of the Interior, Ahmad Said Buyud Tamimi, accused the IDF of trying to set fire to the Ministry's offices in Hebron. Buyud stated that the IDF had raided the offices a few days earlier, accompanied by gangs of settlers. (The Jerusalem Times, 12 July)

291. On 10 July, the police in Afula released on bail two Israeli men who were suspected of seriously abusing two Palestinian brothers aged 10 and 13 from a village in the Jenin area. Two Israeli youths who were suspected of kidnapping the boys and taking them to a warehouse where they were subjected to abuse were also released on bail. The incident reportedly began when the two Israeli youths caught the boys stealing tomatoes from a field belonging to their moshav near the Green Line. The youths tied the boys with plastic handcuffs and took them to a nearby warehouse where they were seriously mistreated by two Israeli adults who undressed them, tied them to pillars, beat them with iron bars and even extinguished cigarettes on their bodies. The 10-year-old boy stated that blood came streaming from his head when he was beaten with an iron bar. He indicated that he thought he would be killed. After one and a half hours of abuse, he was released, naked, injured and handcuffed, and started walking towards his village. On his way home he met an Israeli boy who removed the plastic shackles from his hands. He arrived home after a 40-minute walk. Half an hour later, his brother arrived home naked and with handcuffs. The two brothers were transferred to a hospital in Jenin where the older brother was reported to be suffering from serious injuries and burns. During their interrogation, the four Israeli suspects admitted to most of the charges against them. (Ha'aretz, 11 July)

292. On 30 July, Palestinian Council member Abbas Zaki was taken into custody by the Israeli authorities and questioned for five hours. Zaki, who represents Hebron on the Council, was remanded on charges of incitement and of urging the villagers of Samu's to set fire to Israeli bulldozers that had come to level confiscated Palestinian land. (The Jerusalem Times, 2 August)

293. On 1 August, the head of the Palestinian police in Hebron, Tarek Zaid, charged that his son and his driver had been beaten in front of him and detained by IDF soldiers. Zaid further claimed that the soldiers had scoffed at him when he showed them his VIP card issued by the Israeli Government and smashed the windshield of the car of two Palestinian lawyers who stopped to inquire about the incident. (Jerusalem Post, 2 August)

294. On 7 August, the IDF raided Qaryut village and arrested tens of villagers. Local sources indicated that the arrest campaign was a reaction to the demonstrations held by the villagers in July 1996 to protest against the expansion by the neighbouring Gilo settlement at the expense of their land. According to the latest developments, the IDF decided to consider part of the land of Qaryut village as state land. (The Jerusalem Times, 9 August)

295. On 9 August, it was reported that the Palestinian Authority Minister of Civil Affairs, Jamil Tarifi, had protested over an incident in which PLO Executive Committee member Mahmud Abbas had been arrested at the Erez checkpoint, the northern entrance to the Gaza Strip. Tarifi also noted that the harassment of Palestinian notables had increased recently, especially at military roadblocks. (The Jerusalem Times, 9 August)

296. On 26 August, the Israeli authorities raided the home of the representative of the Palestinian Council for Jerusalem, Hatem Abdel Qader, and seized his furniture on the grounds that he had not paid his municipal taxes. Abdel Qader stated that he had reached an agreement on the matter with the Property Tax Department a few days earlier. The Palestinian Council representative added that his house had been placed under surveillance since he had turned his home into an office where he could hear the demands and complaints of his constituents. (The Jerusalem Times, 30 August)

297. On 5 September, B'tselem issued a report asserting that there had been an increase in the number of incidents of beating and humiliation of Palestinian residents of the territories by the police and border police at the checkpoints at the entrance to Israel and within the Green Line. The report stated that the behaviour of the security forces, who in numerous cases captured illegal Palestinian workers within the Green Line, beat them up and then returned them to the territories, suggested that there was an unwritten policy aimed at deterring Palestinians from entering Israel illegally through the use of violence, abuse and degradation. The report presented 11 such cases that had taken place in June and July. They were based on the testimony of the victims and of eyewitnesses. Ten of the cases concerned beatings and abuse by the police and border police, while one case regarded beating by a Jerusalem Municipality inspector. In more than half of the cases, the violence was directed at Palestinians, both adults and children, who had entered Israel in order to try to make a living. The report pointed out that the reports of abuse coincided with the change of Government. It also noted that the harsh living conditions in the territories prompted their residents, including numerous children, to try to enter Israel illegally in order to seek employment. One case of abuse cited in the report was that of a 17-year-old Palestinian labourer who stated that policemen had broken his leg at a construction site where he had been found working illegally. He claimed that the policemen had also brutally beaten him on the face, head and neck and that he had lost hearing in one ear. He stated further that one officer promised to shoot him if he ever returned to Jerusalem. Before releasing him, the policemen made him sign a paper stating that he had not been beaten or hurt. (Ha'aretz, Jerusalem Post, 6 September)

(b) Collective punishment

(i) Houses or rooms that were demolished or sealed

Oral evidence

298. Mr. Fuad Issa Abu-Hamed, a fieldworker at the Israeli human rights organization B'tselem, provided the Special Committee with the following information regarding the demolition of Palestinian-owned houses:

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> "Coming to the question of the demolition of houses, nine houses were demolished during this operation in March 1996. Eight of these houses were destroyed. As for the ninth house, it was filled with cement blocks to prevent it being used, as it was too near other houses to be blown. It is the first time since the uprising that I have witnessed such a method of closing a house. Another house was demolished by mistake, as it happened to be situated near one of the other demolished houses."
> (Mr. Fuad Issa Abu-Hamed, witness No. 2, A/AC.145/RT.690)

299. Another witness informed the Special Committee about the demolition of Arab-owned houses, particularly in Jerusalem:

> "The policy of house demolition still continues, especially in Jerusalem. Today, we do not see houses being demolished for security reasons by explosions and bulldozers. But we see in Jerusalem that houses are demolished because they are considered 'unlicensed'. As you are all aware, the policy of delivering building permits in Jerusalem is one of the most complicated in the world. I cannot even explain it in words. To get the permit might take 10 to 15 years and it would cost you more than the price of the house you plan to build. Also, it means that you have to show ownership of the land, which nobody can. Therefore, the only possible way is to build a house without a permit. People are fined, very heavily if the houses are located in a very tense area. But if the houses are built in an area which the Israelis have included in their future development plans, they are demolished immediately. An average of five houses are demolished every month in East Jerusalem. Since 1967, only 600 to 700 building permits were given to Palestinians and more than 2,000 houses were demolished during the same period. The Israelis have built more than 70,000 units in Jerusalem, compared to 700 units for the Palestinians. We have been promised 7,500 new units in the last 10 years. The plan is still under study and, personally, I do not think that both with the new Government and the relation today between the Housing Minister and the Mayor of Jerusalem, there will be any plan for future housing for Palestinians in Jerusalem." (Anonymous witness No. 8, A/AC.145/RT.693)

300. The Al-Haq representative spoke to the Special Committee about the Palestinian housing situation and the issuing of construction permits:

> "The practice of demolition of houses has been continuing unabated for a number of reasons, mostly for security reasons or for lack of a building permit. The granting of building permits is an important subject related with city planning and I am not going to elaborate on it. But permits are seldom granted. Thousands of houses have been demolished for lack of a building permit. However, because of the increase of population, more houses and flats would be needed to accommodate the people. However, the occupation authorities are against the building of new houses and flats and people find themselves compelled to build without permit, so that they can live somewhere!" (Mrs. Nina Atallah, witness No. 21, A/AC.145/RT.698)

301. A witness described the fines imposed for building without a licence:

> "The average fine imposed on families who build without a licence and are found guilty is not only that they are supposed to destroy their house, but the average fine today is called the 'double value of the house' fine. It is 100,000 shekels, which is about 33,000 dollars.
>
> "What happens if you don't pay? Oh! They throw you in jail. They come and they take all your furniture away. They harass you. The people are now in terrible, terrible positions." (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

302. Another representative of B'tselem described the reasons behind the Israeli policy concerning Palestinian housing:

> "After his appointment as the new Minister of the Interior, Eliahu Suissa declared a few days ago that he was going to take severe measures against all Palestinian constructions built without a licence. We all know what these legal measures are. It is simply the demolition of the house concerned. Without any prior warning.
>
> "Maybe the Committee should know that there are thousands of houses in the area of Arab Jerusalem which were built without permits, because the Municipality of Jerusalem refuses to issue building permits to Palestinians. The main objective of withholding the delivery of such permits is to reduce the number of Palestinians living in Arab Jerusalem." (Mr. Bassem Eid, witness No. 22, A/AC.145/RT.698)

303. Testimonies relating to houses or rooms that were demolished or sealed may be found in documents A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer), A/AC.145/RT.698 (Mrs. Nina Atallah) and A/AC.145/RT.698 (Mr. Bassem Eid).

Written information

304. On 3 April 1996, IDF troops sealed the home in the Fawar refugee camp of Mohammed Abu Warda who allegedly organized the suicide bombings in Jerusalem and Ashkelon on 25 February. (Ha'aretz, Jerusalem Post, 5 April)

305. On 11 April, the IDF demolished five Palestinian-owned houses in Hebron on the grounds that they had been built without a permit. In reaction to the demolition, which was carried out under a Civil Administration order, Hebron Mayor Mustafa Natshe stated that such practices were destroying the peace process and sowing despair among the town's residents. He stated that the residents had not only seen their lands taken for the construction of the Kiryat Arba settlement, but now their houses were being demolished as well. (Ha'aretz, 12 April)

306. On 11 April, the Israeli authorities demolished seven homes in Hebron on the pretext that they had been built illegally. Demolition orders have also been issued on the same pretext for a large number of houses in Baqa, Wadi Joz

and Khilet Natsheh. The owners will appeal the demolition orders in the Israeli High Court. (The Jerusalem Times, 19 April)

307. On 28 April, Hebron Mayor Mustafa Natshe stated that following a direct appeal by PLO Chairman Yasser Arafat to Prime Minister Shimon Peres, the Israeli Government had agreed not to demolish some 60 houses that had been built without Israeli construction permits in the Hebron area. The Civil Administration spokesman stated, however, that 40 houses (and not 60) along the main roads in the Hebron area were in the process of being notified of demolition orders, which were being carried out at the rate of four or five a month. (Jerusalem Post, 29 April; also referred to in The Jerusalem Times, 26 April)

308. On 16 May, a crowd of Palestinian residents of Kafr Aqeb (Ramallah area) prevented the army from bulldozing houses that had been built without permits issued by the Civil Administration. One of the houses reportedly consisted of three apartments housing 16 residents. The Civil Administration spokesman stated that the demolition had been postponed in order to avoid clashes between civilians and soldiers, but indicated that it would still take place. (Jerusalem Post, 17 May)

309. On 24 May, the IDF is reported to have demolished four houses in Kafr Aqeb on the pretext that the houses had been built without licences. (The Jerusalem Times, 24 May)

310. On 4 June, it was reported that the security authorities were studying a request by the Palestinian Authority to unseal more than 60 houses that had been sealed during the intifada in Ramallah, Hebron and the villages located in area B, which is under Palestinian civilian control and Israeli security control. Palestinians had reportedly tried to unseal the homes themselves but had been prevented from doing so by the IDF. (Ha'aretz, 4 June)

311. On 5 July, Israel rejected a decision by Palestinian Authority President Yasser Arafat to allow the family of the assassinated Hamas bomb-maker Yihye Ayyash to rebuild their West Bank home, which was located in an area run by the Palestinian Authority but under exclusive Israeli security control. An IDF spokesman stated that the army would not permit the reconstruction of terrorists' houses that had been destroyed after the issuing of demolition or confiscation orders. (Jerusalem Post, 7 July)

312. On 2 August, it was reported that the owners of 10 Palestinian houses located in a residential area at the limits of the town of Nablus had received notices informing them that their homes were slated for demolition. (The Jerusalem Times, 2 August)

313. On 12 August, the Civil Administration demolished three Palestinian-owned homes that had been built without a permit in three villages in the Ramallah area. The demolitions took place under heavy border police and IDF guard. A border policeman was injured by stones during riots that erupted in one of the villages in protest against the demolitions. A father of five whose house had been demolished stated that his request for a permit to build on his land had been rejected by the Civil Administration on the grounds that the land was

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located outside the area covered by the master plan of the village. (Ha'aretz, Jerusalem Post, 13 August)

314. On 12, 13 and 14 August, Israeli bulldozers demolished a total of eight houses within the Jerusalem boundaries of the municipality on the pretext that they had been built without a licence. (The Jerusalem Times, 16 July)

315. On 16 August, it was reported that the IDF had demolished three houses in Hebron in two days on the pretext that their owners had not obtained building licences. The Israeli Minister of Defence, Yitzhak Mordechai, stated that 10 houses built without a licence were slated for demolition. (The Jerusalem Times, 16 August)

316. On 20 August, Interior Ministry demolition crews tore down two Palestinian-owned houses that had been built without permits in the Ras Al-Amud neighbourhood of East Jerusalem as police stood guard to prevent disturbances by local residents. One of the houses demolished had been built completely while the other was still without a roof. The demolitions, which left 21 Palestinians homeless, followed similar action taken a week earlier when the Jerusalem Municipality had torn down two structures that had been built "illegally" in the East Jerusalem neighbourhood of Issawiya. Eight other Palestinian houses were slated for demolition in East Jerusalem. (Jerusalem Post, 21 August)

317. On 25 August, the Association for Civil Rights in Israel (ACRI) addressed a letter to the Interior Minister demanding that he stop the demolition of houses in the Ras Al Amud neighbourhood of East Jerusalem. ACRI also called upon the Minister to re-examine the demolition policy in East Jerusalem and refrain from such practice until suitable solutions were found to meet the housing needs of the City's Arab residents. ACRI stated that the problem of illegal construction in the Arab sector was the direct result of the planning bodies' policy, which did not allow for legal construction that could meet the real needs of the Arab population. Such a policy turned into criminals numerous Arab residents whose only wish was to have a roof above their heads. ACRI also stated that the policy in East Jerusalem was aimed at limiting Arab construction in order to encourage the residents to leave the municipal boundaries of Jerusalem, thereby altering its demographic composition (emigration from Jerusalem entails the loss of an Israeli identity card). (Ha'aretz, 26 August)

318. On 27 August, on the orders of the Jerusalem Municipality, a Palestinian day care centre for the disabled was demolished in the Old City of Jerusalem on the grounds that it had been built without a permit. The demolition sparked off a sharp reaction from Palestinian leaders who decried the move as a blow to Palestinian-Israeli relations. Palestinian Cabinet members Hanan Ashrawi and Hassan Tahboub and Legislative Council Speaker Ahmad Qorei led a march of some 100 Palestinians from the demolition site through the Old City. Orient House, the PLO headquarters in Jerusalem, released a statement strongly condemning the demolition and called upon the international community and the Arab world to exert pressure on Israel to stop such acts in the future. The Jerusalem-based Palestinian Society for the Protection of Human Rights stated that the fact that the Jerusalem municipality provided very few public services for Palestinians made the demolition particularly illustrative of the strength of the campaign against Jerusalem's Arab residents. Palestinian Authority Chairman

Yasser Arafat summoned foreign diplomats to convey his deep concern over Israel's practices in Jerusalem. Mr. Arafat reportedly stated that such measures were part of a premeditated policy to Judaize Arab Jerusalem and to encourage settlement building inside Arab neighbourhoods. (Jerusalem Post, 28 August)

319. On 27 August, the Jerusalem Municipality demolished an "illegal" construction meant to be used as a gym for children living in the Muslim Quarter of the Old City of Jerusalem. The demolition, which was carried out under heavy police and border police guard, was condemned by Palestinian Council Chairman Ahmed Qorei, who stated that the demolition was a gross violation of the peace agreements according to which the status of Jerusalem was to be determined only during the final status negotiations. The acting Ambassador of Canada whose Government had contributed $30,000 to the charity organization that had built the edifice, stated that his Government viewed with concern the decision to demolish the building, which, he observed, was supposed to serve as a community centre for the population of the neighbourhood and was a unique project in an area suffering from serious social distress. (Ha'aretz, 28 August)

320. On 27 August, the Israeli authorities demolished the Burj Al Laqlaq Centre for the Aged and the Handicapped in Jerusalem, on the pretext that it had been built without a licence. (The Jerusalem Times, 30 August)

321. On 28 August, the Israeli police tore down four tents erected on the site where the Burj Al Laqlaq Centre used to stand. The tents were put up to accommodate the beneficiaries of the Centre. (The Jerusalem Times, 30 August)

322. On 30 August, it was reported that Israel was intensifying its demolition drive against Palestinian houses built without permits in Jerusalem and the West Bank. In a "flurry" of concern for the environment and the respect of the law, dozens of Palestinian homes were being demolished in the territories. In most cases, the houses belonged to residents who had been applying for construction permits for years but had been rejected. The possibility for a Palestinian to obtain a construction permit in Jerusalem or in other parts of the occupied territories was reportedly nil. It was their difficult housing conditions that had pushed these people to build without permits. In most cases, the applicants were large families who had no other alternative but to build illegally and were now being left homeless. One example was a widow living with 10 children, 3 of whom were mentally retarded, in extreme poverty and squalour in the village of Hizama, which is surrounded on all sides by Jewish settlements. The house was also home to the family's sheep and goats, which, together with the hens in the courtyard, were said to be its only source of income. In 1994, the woman was fined NIS 21,000 for the illegal construction of the house and was ordered to demolish it herself. The State of Israel went beyond the demolition order and opened a criminal file against her. On 29 August 1996, an inspector from the Interior Ministry notified the woman that her house would soon be demolished. She collapsed from worry the following day. (Ha'aretz, 30 August)

323. On 13 September, it was reported that the Civil Administration in the West Bank had sent 13 demolition orders to house owners in the neighbourhoods of A-Sawahara and Zur Bahar in southern Jerusalem. According to the Civil

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Administration, the houses had been built outside the jurisdiction area of the Jerusalem municipality, that is, in area C, which is under the Civil Administration's control. (Ha'aretz, 13 September)

324. On 17 September, dozens of policemen kept away a small crowd of Palestinian residents as a demolition crew tore down a Palestinian-owned home that had been built illegally in East Jerusalem. According to City officials, the Palestinian owner had petitioned the High Court of Justice to prevent the demolition, but his petition had been rejected. Palestinian leaders in Jerusalem declared a short commercial strike in East Jerusalem in order to protest against the demolition. Municipal sources stated that the demolition of the home was meant to serve as a warning to Arab residents who were contemplating building without the proper permits. In a related development, municipal sources stated that the City's legal adviser was reviewing an updated report on alleged illegal construction next to the Al-Aqsa Mosque. (Jerusalem Post, 18 September)

325. On 17 September, the Jerusalem Municipality demolished the house of Ayman Hassan Yaghmour inside the Jaffa Gate in East Jerusalem, on the pretext that the building had been built without a licence. (The Jerusalem Times, 20 September)

326. On 19 September, the Jerusalem Municipality inspectors issued demolition orders against three houses in the village of Isawiya in East Jerusalem. The owners were given 24 hours to demolish their homes on the grounds that they had been built illegally. Residents warned that they would violently oppose the demolitions and claimed that 12 other owners were about to receive demolition orders. The Palestinian Association for the Protection of Human Rights and the Environment announced that it would ask for an interim order against the demolition of the houses on the grounds that the orders had been issued on 24 hours' notice, which prevented the owners from lodging appeals with the local affairs court, which was closed on Fridays. The Association also published a report according to which the intention to demolish houses marked the beginning of a new era of aggression against the Palestinian population of Jerusalem since in the past the Municipality used to fine residents for illegal construction while its new policy was aimed at reducing Arab presence in the City. (Ha'aretz, 20 September)

(ii) Imposition of curfews, sealing off or closing of areas

Oral evidence

327. The B'tselem fieldworker described the effects of the curfew imposed on the Al-Fawwar refugee camp near Hebron:

> "I personally visited the camp of Al-Fawwar and went into some of the houses. I found that the people had no food, not even baby milk, even after the curfew was lifted, because they could not buy food as there was nothing in the stores. There was an acute shortage of wheat, sugar, oil and dairy products and, consequently of course, prices were very high." (Mr. Fuad Issa Abu-Hamed, witness No. 2, A/AC.145/RT.690)

328. Another representative of B'tselem described the situation regarding curfews in the villages of Bidiya and Samua in the West Bank:

> "As you know, I was yesterday in the village of Bidiya in Tulkarm, where a curfew has been imposed on 16 June after the killing of one Israeli soldier in the area. I went to the village and listened to eye-witnesses who reported to me that the curfew has been imposed for 11 days now and that there was a shortage of food, because the soldiers lift the curfew once every two days for two hours only, but prevent the inhabitants of the village from leaving it in order to buy food. This has led to this acute shortage of food. There is also an acute shortage of medicines in the village.
>
> "There are more than 10 handicapped persons who live in this small village and they are in need of medicines that are no longer available in the pharmacy of the village. It means that they cannot get the proper treatment they would need. Eye-witnesses told me that whoever violates the curfew exposes himself to severe beatings by the Israeli soldiers and is forced back home.
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> "Two weeks ago, the occupation authorities announced that they were going to confiscate land in the village of Samua, south of Hebron. When the inhabitants heard of this, they staged a demonstration, protesting the decision. The Israeli army came and opened fire indiscriminately at the inhabitants, with the result that more than 10 Palestinians were injured and a curfew was imposed. This curfew is still in force, until this present moment." (Mr. Bassem Eid, witness No. 22, A/AC.145/RT.698)

329. Testimonies relating to the imposition of curfews, sealing off or closing of areas may be found in documents A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed) and A/AC.145/RT.698 (Mr. Bassem Eid).

Written information

330. On 1 April 1996, several demonstrations against the closure were held in the Gaza Strip. A 12-hour hunger strike was held in front of the office of the United Nations Special Coordinator in the Occupied Territories. Hundreds of workers demonstrated in front of the Gaza City Hall where several demonstrators joined some 60 hunger strikers. (Ha'aretz, 2 April)

331. On 4 April, the army declared Nablus a closed military zone following an incident in which two border policemen were slightly injured by stones on their way to Joseph's Tomb. The closure was lifted on 6 April. (Ha'aretz, 5 and 7 April)

332. On 9 April, 12 Palestinian policemen were detained by border policemen at the entrance to the Shu'fat refugee camp in northern Jerusalem. A police spokesman stated that the policemen were not allowed to be present in the City because of the closure and added that they were being questioned for allegedly operating in the refugee camp and elsewhere in the City in violation of the peace agreements. (Jerusalem Post, 11 April)

333. On 11 April, the IDF allowed 50 Palestinians who worked in foreign embassies and consulates to return to their workplaces. The army also allowed Jordanian citizens who were stranded in the Gaza Strip to return to their homes and announced that a limited number of Palestinians seeking emergency medical treatment would also be allowed to enter Israel. (Jerusalem Post, 11 April)

334. On 17 April, the IDF imposed a curfew on the village of Taqua following an incident in which an Israeli guard was moderately wounded during a demonstration of villagers against the confiscation of their land for the construction of a "security" road to service the nearby settlement of Tekoa. (Ha'aretz, Jerusalem Post, 18 April)

335. On 28 April, the Ministerial Committee on Security Affairs decided to maintain the closure but to allow goods to be transferred to the territories. In another development, the Committee requested the Chief of General Staff, Lt.-Gen. Amnon Lipkin Shahak, to look into an incident in which a Palestinian woman had lost her baby after soldiers at roadblocks prevented her three times from reaching a hospital. The woman had to give birth in her car and was forced to carry the baby to an East Jerusalem hospital where it was pronounced dead. (Jerusalem Post, 29 April)

336. On 1 May, the IDF imposed a curfew on Hebron after the stabbing of an elderly Jewish settler in the town casbah. Casbah shop owners closed their shops immediately as the army placed the casbah under curfew. One shop owner complained that the soldiers did not even leave him sufficient time to place the NIS 10,000-worth of fish he had on his stall in a refrigerator. (Jerusalem Post, 3 May)

337. On 6 May, Israel declared Kalkiliya a closed military zone. (The Jerusalem Times, 10 May)

338. On 15 May, Prime Minister Shimon Peres approved the recommendation of the Anti-Terror Committee and reimposed a complete closure on the Gaza Strip and the West Bank until after the Israeli elections. This meant that 12,000 Palestinian workers who had been allowed to enter Israel as a result of the easing of the closure in March would no longer be allowed to enter Israel. Some exceptions to the closure would remain in force, however, including humanitarian cases, the exit of produce under certain conditions, and the movement of VIPs. (Ha'aretz, 15 May, Jerusalem Post, 16 and 17 May; also referred to in The Jerusalem Times, 17 May)

339. On 24 May, the IDF imposed a curfew on the Al Sheikh quarter of Hebron. (The Jerusalem Times, 24 May)

340. On 25 May, a total closure was imposed on the Gaza Strip and the West Bank and was expected to last at least until the Israeli elections. The decision was taken in response to fears of attacks by "terrorist" organizations on the eve of the elections. The IDF spokesman stated that Palestinian residents of the territories would only in special humanitarian cases enter Israel. The highest-ranking Palestinian VIPs would be allowed to enter Israel with a driver while lower-level VIPs would be able to leave the territories only after

coordination with the security authorities and would have to undergo regular searches at IDF checkpoints. (Ha'aretz, Jerusalem Post, 26 May)

341. On 30 May, the closure imposed on the territories on the eve of the Israeli elections was eased: 7,500 Gazan labourers aged over 40 and 2,500 labourers from the West Bank with work permits were allowed to enter Israel. Merchandise was allowed to transit through the Karni cargo terminal into the Gaza Strip. The transit of trucks was allowed only through the Erez checkpoint. Departing trucks had to be escorted. Industrial zones in the West Bank (including the industrial zone in Atrot) and Gaza were reopened for Palestinian employment. A ban on entry into Israel by holders of VIP documents and workers of international organizations was lifted, as was the case with the closure of Kalkilyia, Tulkarm, Nablus and Jenin, which had been declared closed military zones for security reasons. (Ha'aretz, 2 June)

342. On 1 June, the IDF eased the closure of the West Bank and Gaza Strip by allowing more than 10,000 Palestinian labourers with work permits to return to their jobs in Israel. The IDF indicated that the permits had been issued to 7,500 Gazans aged 40 and to 2,500 Palestinians from the West Bank. (Jerusalem Post, 2 June)

343. On 3 June, the IDF imposed a curfew on the villages of Bidiya, Surta and Qarada (West Bank) following a "terrorist" attack in which four Israelis were slightly wounded in an olive grove outside the village. (Ha'aretz, Jerusalem Post, 4 June; also referred to in The Jerusalem Times, 7 June)

344. On 5 June, the Government further eased the closure of the West Bank and Gaza Strip by allowing 10,000 Palestinian workers from the West Bank and 12,000 from the Gaza Strip to enter Israel. The IDF announced that only married Palestinian men aged 35 and over who had not been convicted of security offences would be issued permits on an individual basis. The army also allowed 350 Palestinian merchants to enter Israel. (Jerusalem Post, 6 June; Ha'aretz, 9 June)

345. On 9 June, it was reported that the security authorities were continuing to ease the closure of the territories by allowing an additional 13,000 Palestinians to work in industrial zones and the agricultural sector in the West Bank and Gaza Strip. (Ha'aretz, 9 June)

346. On 10 June, the Israeli authorities closed down the vegetable market in Hebron in the wake of the killing of two settlers from Kiryat Arba near the town of Kufur Zakariya. (The Jerusalem Times, 14 June)

347. On 16 June, the IDF imposed a curfew on Bidiya village in the immediate aftermath of a "terrorist" attack in which an off-duty Israeli policeman was shot dead in the village. On 18 June the curfew was still in force and residents were barred from entering Israel to work until an investigation of the incident had been concluded. (Ha'aretz, 17 and 18 June; Jerusalem Post, 17 June; also referred to in The Jerusalem Times, 28 June)

348. On 21 June, the IDF imposed a curfew on the village of Samu (Hebron area) and arrested six Palestinians after dozens of villagers set fire to heavy

equipment used for the construction of a bypass road on confiscated land. (Ha'aretz, 23 June)

349. On 22 June, the town of Samu, south of Hebron, was placed under curfew following clashes of its inhabitants with the IDF. (The Jerusalem Times, 28 June)

350. On 26 June, it was reported that the security authorities had decided to take a series of measures to ease the closure. In addition to the entry permits granted to workers from the territories, it was decided to allow the transit of trucks between the Gaza Strip and the West Bank. Security sources reported that the measures were intended to prevent economic chaos in the territories. (Ha'aretz, 26 June)

351. On 27 June, the Israeli authorities lifted the curfew imposed on Bidya. The curfew imposed on Samu was maintained. (The Jerusalem Times, 5 July)

352. On 2 July, the IDF lifted the curfew it had imposed on the village of Bidiya where an Israeli policeman had been killed and his wife wounded in a "terrorist" attack on 16 June. (Ha'aretz, 2 July; Jerusalem Post, 7 July)

353. On 5 July, the IDF lifted the curfew it had imposed on the village of Samu (Hebron area) on 21 June following an incident in which Palestinian youths had set fire to bulldozers used for the construction of a bypass road running through the fields adjacent to the town on their confiscated land. IDF sources reported that 25 Palestinians suspected of arson had been detained for questioning. The IDF reportedly lifted the curfew for 2 hours every 48 hours in order to allow residents to get food supplies. However, the residents were not allowed to leave their village even during that period. The residents condemned the curfew as collective punishment. They also complained of shortages of food supplies, especially milk for babies. The villagers rushed to Hebron to buy food supplies after the curfew was lifted. (Ha'aretz, 2 July; Jerusalem Post, 7 July; also referred to in The Jerusalem Times, 12 July)

354. On 7 July, it was reported that the IDF had lifted the closure imposed on Ramallah a week earlier. (Ha'aretz, 7 July)

355. On 10 July, the IDF imposed a curfew on the Bab A-Zawaya neighbourhood in Hebron after an incident in which an explosive device was thrown at an IDF outpost in the neighbourhood. Several Palestinian businesses located near the site of the incident were also closed "until further notice". (Ha'aretz, 11 July)

356. On 14 July, the IDF announced that the Netzarim road would be open for Palestinian police traffic every two weeks but also indicated that VIPs were not allowed to use it. (Ha'aretz, 15 July)

357. On 19 July, the IDF imposed a curfew on the village of Karyut (West Bank) following an incident in which some 100 residents went on a rampage through disputed land near the Shilo settlement, setting fire and destroying trees. (Ha'aretz, Jerusalem Post, 21 July)

358. On 22 July, the Israeli authorities imposed a one-day curfew on Ramallah after a resident of Jerusalem was taken for interrogation by the Palestinian Preventive Security. The curfew was lifted when the resident was released. (The Jerusalem Times, 26 July)

359. On 23 July, the Israeli authorities lifted the closure imposed on the West Bank and the Gaza Strip. (The Jerusalem Times, 2 August)

360. On 24 July, thousands of Palestinians returned to work in Israel after the easing of the five-month-long restrictions imposed on workers from the territories. Palestinian officials in Gaza reported that they had distributed 2,083 permits issued by the Israeli authorities to residents of the Gaza Strip. This brought to 27,483 the number of Palestinians allowed to work inside the Green Line. Another 1,031 permits were scheduled to be issued the following day. (Jerusalem Post, 25 July)

361. On 25 July, the Israeli authorities declared the city of Kalkiliya a closed military area following a shooting incident involving a Palestinian policeman. (The Jerusalem Times, 2 August)

362. On 26 July, the IDF imposed a total closure on the West Bank and the Gaza Strip following a drive-by attack near Beit Shemesh. In addition, Hebron, where the attackers were thought to be hiding, was sealed off and roadblocks were set up throughout the area between the town and Bethlehem. The closure was lifted on 28 July. (Ha'aretz, Jerusalem Post, 28 and 29 July)

363. On 29 July, the IDF reopened Kalkiliya and Dhahiriya after closing them off in recent days following two incidents involving Israelis and the Palestinian police. A resident of Rahat was killed in one of the incidents; a baby was shot and slightly wounded in the other. (Jerusalem Post, 30 July)

364. On 29 July, the Israeli authorities reimposed the closure of the West Bank following an armed attack in the Beit Shemesh area. (The Jerusalem Times, 2 August)

365. On 28 August, the IDF declared Bethlehem a closed military zone after a shooting incident in the area in which two Israelis were slightly wounded. (Ha'aretz, Jerusalem Post, 29 August)

366. On 31 August, the IDF imposed a curfew on the West Bank village of Baqa esh Sharqiya following a shooting incident in which two Romanian labourers were injured. (Ha'aretz, 1 September)

367. On 11 September, it was reported that the security authorities had decided to impose a total closure of the territories from the eve of the Jewish New Year until the end of the holiday. According to the security authorities' estimates, Islamic Jihad and Hamas cells were planning to launch attacks against settlers in the territories and inside Israel. (Ha'aretz, 11 September)

368. On 13 September, the security authorities tightened the total closure of the territories. Only a very limited number of Palestinian workers were allowed to cross into Israel. (Ha'aretz, 13 September)

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369. On 13 September, the Israeli authorities decided to impose a complete closure of the West Bank and the Gaza Strip for two days, on the eve of the Jewish New Year. (The Jerusalem Times, 13 September)

370. On 18 September, hundreds of Palestinian merchants, truck drivers and factory owners blocked a road near the Ministry of Trade of the Palestinian Authority in Gaza in order to protest against the closure. Some protesters carried placards condemning the closure, while others displayed the keys of their closed factories, shouting that they had gone bankrupt. After a four-hour demonstration the protesters obeyed a police order and opened the road to traffic. It is estimated that there are some 3,600 merchants in Gaza, only 119 of whom were issued permits to enter Israel and the West Bank. The Palestinian Authority was responsible for distributing the permits, which were issued by the liaison bureau at the Erez checkpoint. According to one tile manufacturer who was among the organizers of the protest, the arrangement was meant to create tension between merchants and the Palestinian Authority. Tile manufacturers complained that only seven trucks had been allowed to enter Israel or the West Bank every day - eight times less than the Strip's daily production. As a result of the total ban on the export of merchandise since February, merchants had accumulated a stock of some 500,000 tiles. Representatives of another economic sector who took part in the demonstrations were those from the food industry which was prevented from exporting canned food. One food producer stated that they did not want to hear anything more about peace. "What is the use of such slogans", he observed, "when we are not even allowed to export to the West Bank?". In response to the allegations, security sources stated that the ban on the export of canned food and tiles was due to the difficulty involved in carrying out security checks of these products. (Ha'aretz, 19 September)

371. On 20 September, a total closure was reimposed on the territories. It was expected to be lifted on 24 September. (Ha'aretz, 22 September)

(iii) Other forms of collective punishment

Written information

372. On 16 June 1996, OC Central Command Maj.-Gen. Uzi Dayan ordered the closure of more than 10 shops located near a toy shop in Bidiya village where an Israeli off-duty policeman had been shot dead by a Palestinian. Dayan announced that the Cental Command had decided to resume applying the method of collective punishment and indicated that the shops would remain closed for a long period. We want to make it clear, he stated, that life would not continue as normal after such a murder. (Ha'aretz, Jerusalem Post, 17 June)

373. On 12 August, it was reported that Maj.-Gen. Dayan had eased the sweeping restrictions imposed on five Palestinian villages in the West Bank that were home to suicide bombers. The restrictions had barred all persons from the villages of Rafat, Dahariya, Burka, Fawar and Karyut from obtaining permits to work in Israel. However, some of the sanctions were still being enforced, such as barring relatives of suicide bombers and persons connected with Hamas from obtaining work permits. (Ha'aretz, Jerusalem Post, 12 August)

(c) Expulsions

Oral evidence

374. On 8 April, the security authorities officially notified the Palestinian Authority that four members of the Palestinian National Council who had previously resided in Jerusalem but had been expelled would be allowed to enter Israel on condition that they lived in the autonomous areas. A previous request by the Authority to allow the four persons to enter the territories in order to take part in the work of the Council had been rejected on the grounds that these members wanted to return to their homes in East Jerusalem. Following discussions with the Palestinian Authority a few weeks later, it was decided, however, that the Council members would be allowed to return to Israel provided that they resided in the territories and not in East Jerusalem. (Ha'aretz, 9 April)

(d) Economic and social situation

Oral evidence

375. This is how one witness assessed the economic and social situation in the occupied territories, in particular since the signing of the Oslo Accords:

> "Actually, the conditions have deteriorated, as I have said. They have deteriorated regardless of the political processes behind the measures taken by the Israeli Government. But I can see on the other hand that the living conditions of the Palestinian people have deteriorated for other reasons - other reasons related to the fact that, with the signing of the economic agreement between Israel and Palestine, some restrictions have been imposed on the Palestinians. And these restrictions have enabled the Israelis to control the economic conditions in the Palestinian areas. This is one factor.
>
> "There is another factor, namely, that Israel has left some areas to the Palestinian Authority, but has left them totally destroyed. There is no real economic infrastructure. There is just a consumer market.
>
> "Thirdly, all and any small factories or productive units in the occupied territories have been linked to Israel, to the Israeli economy.
>
> "Fourthly, there are no outlets. The closure is one example. The closure does not simply mean that Palestinian workers will not be able to work in Israel, although they are the ones mainly to bring in an income, which leads to an economic revival in the Palestinian areas. But the workers going to Israel are not the only source of income. There are sewing factories in the Gaza Strip, employing quite a number of people. But, because of the closure, they have stopped functioning. All sewing factories have been closed and the workers find themselves out of a job. Because of the closure, no exchange takes place with the Israeli factories any more. More than 3,000 workers in the sewing industry have lost their jobs. As regards construction workers, according to the report by Mr. Terje Larsen, United Nations Coordinator, the closure has resulted in

> the loss of a job for a large number of workers. So, with these examples, I mean to show that the measures taken by Israel, the closures, namely, do not only affect the working force working in Israel, but also affect the process of production internally.
>
> "Closures have also affected the fishermen, even in areas under Palestinian authority, even in Gaza under the Palestinian rule. Israeli torpedoes have damaged fishing nets. A number of incidents have taken place, where Israelis fired at the fishermen, although the fishermen had not gone out of the territorial waters of Gaza.
>
> "On the other hand, I believe that the new Government is going to take measures that are likely to render the situation even more complicated, whether regarding the peace process itself or the economic situation in Palestine in general. The reason is the nature of the set-up of the new Government and its declared political programme." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

376. This is how another witness described the current economic situation in the occupied territories:

> "Following the peace agreement, the economic situation has become very bad." (Anonymous witness no. 15, A/AC.145/RT.695/Add.1)

377. One witness described the situation regarding Arab workers and foreign workers in Israel:

> "At work, there is a discrimination between Arab workers and foreign workers. Before the intifada, we used to get double what we get now as a salary. That is due to the influx of foreign workers. I work six days a week. However, I cannot live like any other person in any other country. I don't get even half of what the ordinary people in other countries get. Also, if I work in Tel Aviv for instance, any policeman can arrest me and put me in prison and he can even put the owner of the company I work for in prison for reasons that I don't know of. I can be beaten for any reason, or without a reason.
>
> "Also, only workers over 40 or 45 years of age are allowed to enter Israel and these cannot exceed 5,000 persons. That is what I wanted to say.
>
> "It reaches the point that I cannot afford to pay for the treatment of my son who has kidney stones. And the hospital could not help me. I cannot make ends meet." (Anonymous witness no. 4, A/AC.145/RT.691)

378. The witness described how much time it takes him to arrive at his place of work:

> "I leave my house at about 3.30 in the morning and I get to my place of work at 7 o'clock in the morning. Sometimes, depending on the checking process, when it is very thorough, it takes longer and I arrive at work at 8 o'clock or 8.30 in the morning.

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> "We are allowed to remain in Israel from 5 o'clock in the morning until 7 o'clock in the evening. We are forbidden to stay longer. If we stay overnight in Israel once, just once, we land in prison and we are prohibited from entering Israel again." (Ibid.)

379. Another witness expressed his views about the employment of Palestinian workers by Israelis:

> "There are foreign workers. There are many foreign workers. But in the end, the Israelis still cannot do away with Palestinian workers, because the Palestinians have worked with them for a very long time. They know each other well. Also, the Palestinians are good and skilled workers and they are cheap labour."
>
> "If I have work, I have an income and it is enough for my needs. But we work for only three or four months a year and for the remaining part of the year the roads are closed. Now, there is a new regulation. The pretext is that the workers are too young. The regulation is now that the workers entering Israel have to be 40 years old or older. The workers younger than that are not allowed access into Israel." (Anonymous witness no. 6, A/AC.145/RT.691)

380. The witness described how he gets to work:

> "Three hours. I leave my house at 4 o'clock in the morning. I arrive in Tel Aviv at 7.30 in the morning. The distance is only 100 kilometres, it should not take more than one hour." (Ibid.)

381. A witness from Gaza spoke about the economic situation of Palestinian workers who work or used to work in Israel:

> "Another subject I would like to speak about is the situation of the workers who work in Israel. Israel says that they have many reasons for closing up the area, either political or for security reasons. All of it is nonsense and not right. It is an economic policy to oblige the Palestinians to surrender to what they want. If you go to Gaza now, you'll see how crowded it is with labourers who do not work, who have nothing, who cannot buy anything. I'll give you one example: a sack of flour costs 180 Egyptian pounds. How can people buy it? No one mentions that. Workers who cannot work, how can they buy? I came here from Gaza recently, that is, last week.
>
> "We suffer too much. No work. The United Nations, or I don't know whom, gave some help. But what kind of help? What kind of help if you see with your own eyes what the situation is. It is a catastrophe. To give a worker 10 shekels, that is 3 dollars, to clean the streets. What does that mean? Nothing. Just to eat. Treating the people like beggars, like beggars only and not like human beings. In my own opinion, it is meant that way, so that the people have to yield, to surrender. No workers can go. The border is closed." (Mr. Omar Khalil, witness no. 5, A/AC.145/RT.691/Add.1)

382. The witness told the Special Committee about the situation regarding his own crops:

> "I will give you my own example. I planted 20 dunums of potatoes. I sold nothing. One dollar for 20 kilos. It is nothing. What can we do? If you go there, I will show you my land, how I kicked the potatoes on the land. I did not pick the potatoes. I left them there. Three shekels for a box, what does that mean? Three shekels, one dollar for a box of 20 kilos, what is it? I prefer to keep them on the land. And this is now, with the Palestinian Authority. But the Israelis meant to close everything, in the face of the Palestinian Authority." (Ibid.)

383. The witness spoke about the specific situation of Gaza fishermen:

> "Let's take fishing for instance. The fishermen are given only limited hours and limited areas to fish. Three miles only are they allowed to go, instead of 9 or 12 miles as is written, but that is paper only!
>
> "Why do I mention fishing? I mention it because it is important for the economy of the Gaza Strip. Fish instead of meat and chicken. Fish is cheaper, cheaper for the workers who cannot afford meat." (Ibid.)

384. The B'tselem fieldworker described the effects of the closure imposed on the occupied territories on the health of their population:

> "As an example, let me mention that 60 patients suffering from cancer have to go regularly to Israel for treatment. They have been prevented from leaving the West Bank to go to Israel. The inhabitants of the West Bank and of the Gaza Strip have been prevented from going to Makassed Hospital, which is the main hospital catering for the inhabitants of the West Bank. This hospital is situated in Jerusalem. The spokesman of the hospital said that 220 beds out of 264 are vacant because of the closure, whereas normally the hospital is fully booked."
>
> "Regarding now the restrictions put on the movements of medical personnel in the West Bank during the internal closure, medical staff have not been allowed access to the hospitals where they work. As many as 318 doctors and 705 nurses, pharmacists and laboratory specialists have not been able to go to their places of work. These statistics are drawn from reports issued by the Palestinian Health Ministry. During this internal closure, 245 clinics could not function. There was also, of course, lack of basic medical equipment and drugs. Many clinics had to close down because of lack of medicines. There was, for instance, a shortage of Ventolin and antibiotics, lack of oxygen, of sterile water, as well as vaccines. Food supplies were also scarce." (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

385. Another witness described the effects of the closure on the health sector:

> "In the health field for example, there are 25 health institutions in Jerusalem, such as hospitals, clinics, health centres or rehabilitation centres. The figures gathered by my colleagues indicate that the volume of

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> consultations given by these health institutions has dropped by more than 60 per cent since the recent Israeli closure." (Mr. Abdel Rahman Abu Arafeh, witness no. 10, A/AC.145/RT.694)

386. The witness described the effects of the closure on the Arab economy in Jerusalem:

> "Estimates have been made by members of our committee and by various economic researchers. These estimates indicate that the volume of sales has dropped in Jerusalem by 80 per cent." (Ibid.)

387. A witness described the inequality of social benefits between Palestinians and Israelis:

> "Because when you go beyond the borders of Jerusalem, they invalidate your identity card and stop the childrens' benefits. However, the Israelis have the right to have settlements outside the borders and live there. And they are not deprived of their social benefits. They just want to make Jerusalem too hot for us, so that we leave. I want to build a house. I cannot get a permit for that." (Mr. Mahmoud Abdallah, witness no. 13, A/AC.145/RT.695)

388. A witness told the Special Committee how costly it was for Palestinians to obtain building permits:

> "They asked me for half the price of the house to get the permit. An Israeli would just go and build without a permit." (Ibid.)

389. A witness who testified before the Special Committee described the costs of building in Jerusalem:

> "What the Israelis have done is the following: there really were Arab villages that have amalgamated to become Jerusalem and the Israelis have in fact done spot planning and have not taken into account land ownership at all and they have allowed building - when possible - in places where buildings already exist. So, the majority of Palestinians, in all these neighbourhoods, have to build without a licence. Now today - and I think you should know this - a licence to build a house in Jerusalem (there is no public housing for Palestinians, there is no public funding and mortgages, there are no facilities made available for Palestinians) for a Palestinian can cost up to 90,000 shekels, which is about 30,000 dollars, just for the licence and the levies that are attached to the licence. You must realize that the average good income, including national insurance payments, is about 3,000 to 3,200 shekels a month in East Jerusalelm, that is about 1,000 dollars. You can understand then what 30,000 dollars means in terms of what you have to pay even before you begin building."
> (Mrs. Linda Brayer, witness no. 9, A/AC.145/RT.694)

390. A witness from Gaza described the effects of the closure on the health situation in the occupied territories:

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> "As you know, during the whole period of occupation from 1967 until the establishment of the Palestinian Authority in 1994, the Israeli authorities have not developed the sanitary infrastructure of the territories whatsoever. The hospitals do not even have the basic equipment and there is a total dependence on the outside world, in terms of medicines, equipment as well as hospitalization in many cases.
>
> "The present continued closure has led to a grave deterioration in health services. For a period of more than a month, the hospitals in the Gaza Strip suffered a serious lack of medicines, and particularly a lack of the necessary products for laboratories. There is an acute shortage of drugs for the treatment of chronic diseases, such as high pressure, cancer and diabetes.
>
> "With the closure, the Israeli authorities have refused to give to patients even in serious condition permits to go to the West Bank, or to Israel, or to Jordan, and anyway we have to go through the Israeli territory in order to have access to the outside world."
> (Mr. Hamdi Shaqqura, witness no. 20, A/AC.145/RT.697/Add.1)

391. The witness drew the Special Committee's attention to the economic situation in the occupied territories resulting from the closure:

> "With the closure, commercial activities between Gaza and the outside world have been restricted. No basic materials were allowed entry, be it food or other products. I am sure you heard about the very critical situation resulting from the acute shortage of flour. Palestinians have to stand in long lines in order to receive some flour. There is such an acute shortage of flour because the import of flour from or through Israel was stopped for over one month. The Gaza Strip consumes about 8,000 tons of flour every month. When the blockade was eased a bit, only 5 to 10 per cent of this quantity was allowed in. So, even with an easing of the blockade, the quantities imported could not meet the basic needs of the population.
>
> "What applies to flour applies to other imports as well, including building material. With the reconstruction in Gaza and the efforts made by the Palestinian Authority to attract investment, there is an increased demand on building material. But the import of cement, iron and other building material was stopped for a while. Now, small quantities are allowed in, but the administrative procedure is complicated and it does not facilitate imports into the Gaza Strip. This also applies to raw materials needed by various industries.
>
> "The question of agricultural exports is very important too, because the Gaza Strip depends largely on agriculture, especially vegetables and citrus fruit. Agreements have been passed between the Ministry of Agriculture and importers from Europe. So deadlines have to be met for the planting, cropping and exporting of the various products and the closure, meaning preventing export, is simply a catastrophe for the Gazan agriculture.

> "All these measures contribute to the deterioration of the economic situation in the Gaza Strip in an unprecedented manner, as the closure influences production in general, in industry, agriculture and even services and tourism. So, the negative consequences of the closure affect everybody." (Ibid.)

392. The witness also described the situation of Gazan fishermen:

> "There is also a blockade on the seashore of the Gaza Strip. According to the Agreements, fishermen of the Gaza Strip have the right to fish in an area of up to 20 nautical miles offshore. With the closure, a maritime blockade has been imposed and the fishermen have been prevented from going out to sea to fish. Now, they are allowed to fish up to 12 nautical miles offshore, which is, as I said, in contradiction with the Agreements and is not sufficient. Moreover, the fishermen are often threatened by the Israeli military. They are exposed to firing. Their equipment gets destroyed, the nets in particular." (Ibid.)

393. Accounts of the economic and social situation prevailing in the occupied territories may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer), A/AC.145/RT.694 (Mrs. Natalie Rothman), A/AC.145/RT.695 (Mr. Mahmoud Abdallah), A/AC.145/RT.695/Add.1 (anonymous witness) and A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura).

Written information

394. On 1 April, B'tselem sent to Prime Minister Shimon Peres a report on human rights violations in the territories as a result of the closure. According to the report, eight Palestinian patients had died since the imposition of the closure for lack of medical treatment while dozens of other seriously ill patients had been denied vital treatment. In addition, nine houses had been demolished or sealed, one by mistake and almost 1,000 persons detained during a wave of arrests in Judea and Samaria (West Bank). Many were subsequently imprisoned under an administrative detention order and interrogated under torture. The report went on to observe that although Israel had the right to take action against the perpetrators of attacks, collective punishment constituted a gross violation of international law and risked pushing Palestinians to commit violent acts of despair against Israelis. (Ha'aretz, 2 April)

395. On 5 April, it was reported that an Israeli ministerial committee set up by the Israeli Government earlier in the week had decided to increase the number of trucks allowed to travel from and into the Gaza area. (The Jerusalem Times, 5 April)

396. On 7 April, the IDF allowed Palestinians to export merchandise through the Karni cargo terminal. (Ha'aretz, 7 April)

397. On 11 April, it was reported that Prime Minister Shimon Peres had decided to increase from 3,000 to 7,000 the number of Palestinians who were allowed to

work in Israel. The workers had to be at least 40 years old. (Ha'aretz, 11 April)

398. On 8 May, an official of the World Bank announced that the Bank was planning to increase its loans to the Gaza Strip and the West Bank in order to help those regions cope with the economic crisis caused by the closure. The Bank was expected to approve two loans amounting to a total of $65 million by the end of June aimed at rebuilding the Palestinian economy's crumbling infrastructure and at providing badly needed jobs. (Jerusalem Post, 12 May)

399. On 12 May, the Association of Physicians for Human Rights presented the Prime Minister and the Health Minister with a report describing gross violations of human rights in the medical field committed by the State both in Israel and the territories. According to the report, children and chronic patients from the territories could not receive medical treatment because of the closure; restrictions were placed on the movement of medical personnel and delays occurred in the departure of patients for treatment in Jordan. The report charged Israel with violating the right to medical treatment by denying entry permits to patients, delaying patients and injured Palestinians at roadblocks at the entrance to Israel, refusing, on principle, the issue of entry permits to Palestinian fathers aged under 30 in order to allow them to accompany their ill children and limiting the number of days or hours accorded to parents to accompany their children in connection with hospitalization and operations. The report stated that Israel was restricting the freedom of movement of doctors and medical personnel and automatically revoking their entry permits with the imposition of each closure. As a result, hospitals in East Jerusalem had to operate with fewer than half of their personnel, which was viewed by the doctors as an attempt to force hospitals to change the composition of their personnel and employ fewer workers than in the West Bank and Gaza Strip, on the grounds that specialists and doctors employed on a part-time basis were not essential for the functioning of the hospitals. In a letter attached to the report, the Association of Physicians for Human Rights called on the Prime Minister to lift the closure immediately with regard to doctors, medical personnel and patients who needed to undergo treatment in Israel. The Association wrote that as far as they were concerned, "causing unnecessary pain, irreversible invalidity, or death because of stupid bureaucracy at roadblocks was unacceptable at the ethical, human and professional level". (Ha'aretz, 13 May)

400. On 17 May, more than 10,000 Palestinian workers were reportedly affected by the strict closure imposed by Israel on the self-rule areas two days earlier. (The Jerusalem Times, 17 May)

401. On 19 May, Palestinian Authority Minister Freih Abu Medein told the Tel Aviv Bar Association that the closure was costing the Palestinian Authority $5 million a day. Mr. Medein stated that some 100,000 Palestinians could not work in Israel because of the closure and that Palestinians could also not export fruit and vegetables. (Jerusalem Post, 20 May)

402. On 28 May, it was reported that the renewed closure of the West Bank and Gaza Strip had further restricted imports and forced cash-strapped families to adopt a vegetarian, bread-free diet. In Gaza, Palestinians were reportedly using potatoes as a partial flour substitute because Israeli restrictions on the

imports of flour had made prices soar. In the normally bustling centre of Gaza, shops, markets and restaurants were said to be almost empty. The atmosphere was more one of resignation than of anger, as the closure was expected to be maintained in the run-up to the Israeli general elections. (Jerusalem Post, 28 May)

403. On 4 June, the United Nations Special Coordinator in the Occupied Territories, Mr. Terje Larsen, called on Israel to lift its closure of the West Bank and Gaza Strip and to transfer revenues to the Palestinian Authority in order to save the Palestinian self-ruled areas from financial collapse. (Jerusalem Post, 5 June)

404. On 7 June, Palestinian Authority President Yasser Arafat told the representatives of 35 countries that Palestinians in the territories were on the brink of starvation. In his speech, Mr. Arafat also expressed concern over Israel's recent import of more than 100,000 foreign workers who had taken jobs previously filled by Palestinians. (Jerusalem Post, 9 June)

405. On 24 June, Peace Watch issued a report stating that since the imposition of the current closure of the occupied territories on 25 February until the elections in Israel, the economic cost of the closure for the West Bank and Gaza Strip amounted to more than $300 million. The report stated that the Palestinian economy had incurred losses of between $4 million and $5 million a day as a result of the closure. The unemployment rate in the autonomous areas stood at 65 per cent according to Palestinian estimates, and between 20 and 30 per cent according to the Coordinator of the Government's Activities in the Territories. The report pointed out that since the signing of the Oslo Accords in September 1993, Israel had imposed more than 300 days of closure on the territories, of which some 200 were days of full closure and about 100 of partial closure. The current closure had been in force for more than 16 weeks and although it has not been the longest, it seems to be the more severe as far as restrictions imposed on Palestinians were concerned. Despite several measures taken to ease the closure, there were still numerous restrictions regarding the movement of people and the passage of merchandise between Israel and the West Bank and Gaza Strip. The report indicated that the closure prevented Palestinians from moving from the West Bank to the Gaza Strip because Israel did not open the safe passages envisaged in the Oslo Accords. In addition, the closure had cut off East Jerusalem from the rest of the West Bank, which had a negative impact on many aspects of Palestinian life since East Jerusalem constituted the cultural, economic, social, educational and religious centre for the residents of the West Bank. (Ha'aretz, Jerusalem Post, 25 June)

406. On 28 June, according to a report published by the organization Towards Peace, the West Bank and Gaza Strip had lost some $300 million in income and the unemployment rate had increased to 65 per cent as a result of the Israeli closure imposed on those areas since 25 February. (The Jerusalem Times, 28 June)

407. On 11 July, a 29-year-old male Palestinian resident of the Gaza Strip was arrested on a construction site in Arad on charges of entering Israel illegally. The man told the police that he had to work in order to pay for the medical treatment of his daughter who suffered from cancer. The Palestinian, a father

of four, told the judge who was asked to extend his detention that he had been jobless for eight months and had to take his daughter to hospital once a week and pay NIS 3,000 for her treatment. The judge noted that the suspect admitted to entering Israel illegally and recommended that an effort be made to verify his statement regarding his daughter's illness. He indicated that should it prove to be true, this could have a bearing on the whole case. (Ha'aretz, 14 July)

408. On 12 July, it was reported that the Israeli Ministry of the Interior had admitted that it had recently begun to withdraw the identity cards of Jerusalem residents. An official stated that, according to the Ministry's regulations, persons who lived outside Israel for more than seven years were considered to have changed their place of residence. (The Jerusalem Times, 12 July)

409. On 21 July, some 20 Meretz activists brought three tanks of water to Hebron where Palestinian residents were reportedly suffering from a severe shortage of water. The tanks, each of which contained 16,000 cubic metres of water, were used to fill three wells in three different neighbourhoods in the town. In Tel Rumeideh, women and children went out to the street to get water. Houses in the neighbourhood were said to have had no drinking water for some 20 days and residents were obliged to travel long distances in order to get water. Settlers from the neighbourhood headed by the former leader of the Kach party abused the Meretz activists verbally, shouting "Shame on you" and "Traitors". Some 80 per cent of the houses in Hebron were said to lack water every summer. The Hebron Municipality accused the Civil Administration of conducting a discriminating water distribution policy. It claimed that settlers in the town received four times more water than its Palestinian residents. A further problem was the existence of rot and decay of the municipal water supply system, which prevented large quantities of water from reaching homes. (Ha'aretz, 22 July)

410. On 2 August, it was reported that the renewed closure of the autonomous areas did not affect the Gaza Strip, where 17,500 labourers went to work inside the Green Line. (The Jerusalem Times, 2 August)

411. On 9 August, it was reported that the Israeli border police and tax inspectors had raided the street market located on the main road between Jerusalem and Ramallah. All the goods on the vendors' carts were confiscated and some of the traders were arrested. (The Jerusalem Times, 9 August)

412. On 16 August, it was reported that the Palestinian Authority's Deputy Secretary for Agriculture, Atta Abzu Karsh, had stated that farmers had lost $700 million during the last season as a result of the Israeli closure of the autonomous areas. (The Jerusalem Times, 16 August)

413. On 19 August, the Palestinian Authority decided to reopen the Munta (Karni) crossing point near Gaza after closing it for six hours. The crossing, used only for the shipment of goods, was closed to Israeli goods after Israel refused to allow Palestinian goods to be exported to the West Bank and Israel. The commanding officer at the crossing stated that Israel had blocked the delivery of 500,000 square metres of tiles to the West Bank, with an adverse effect on 28 tile factories and some 1,000 workers. The officer also noted that the

Israelis had refused to allow into Gaza a shipment of medicaments that were a gift to the people of Gaza. (The Jerusalem Times, 23 August)

414. On 26 August, during a meeting held to discuss the economic problems faced by Palestinians, Prime Minister Netanyahu decided jointly with the Foreign Minister, the Defence Minister and the Finance Minister not to increase the number of Palestinian workers allowed into Israel. According to the Palestinian Authority, the rate of unemployment has reached 40 per cent in the West Bank and 51 per cent in Gaza. (Jerusalem Post, 27 August)

415. On 27 August, the Palestinian Authority Minister of Commerce and Economy warned of a setback for the peace process if the economic hardships in the autonomous areas continued. The Minister explained that the economic hardships of the population of the territories generated social problems that could derail the peace process. (Ha'aretz, 28 August)

416. On 2 September, Palestinian leaders called on Palestinian property owners in Jerusalem to refrain from raising rents for the next three years. They explained that the high rents of East Jerusalem apartments had forced numerous Palestinians to leave the City. This, the Palestinian leaders stated, played into the hands of Israel, which would like nothing better than for Palestinian residents to move out. Palestinian National Council member Hattem Abdel Khader, who was one of the Palestinian leaders calling for the proposed rent freeze, stated that if nothing was done to stem the exodus of Palestinians from the City, some 40,000 would leave over the next several years. (Jerusalem Post, 3 September; Ha'aretz, 8 September)

417. On 6 September, Israeli officials stated that Israel would grant an additional 18,000 work permits to Palestinians and allow 300 additional trucks from the territories to enter Israel daily. The officials stated further that the Government would ease the entry restrictions imposed on workers and ambulances trying to reach hospitals in East Jerusalem, and would issue 50 per cent more passes for Palestinian businessmen to travel in Israel. Israel made the announcement during a meeting at the United States Department of State of the ad hoc liaison committee of countries contributing to Palestinian development efforts. The committee discussed ways of reducing the Palestinian Authority's projected budget deficit of $127 million for 1996 and ways of expanding short- and long-term employment in the territories through what was referred to as "core" infrastructure projects. (Jerusalem Post, 8 September)

418. On 11 September, it was reported that nearly two years after the Jerusalem Municipality had launched its much-heralded plan to build 180 new classrooms in East Jerusalem, only a dozen had been built and only a handful more were slated for construction in 1996, the final year of the plan. A senior Municipality official described the City's implementation of the plan as a "complete failure". The head of the Jerusalem Education Authority stated that budgetary constraints and difficulties in obtaining land for classrooms and new schools in East Jerusalem were delaying the construction. Meanwhile, Arab schools were reportedly becoming increasingly crowded and the Municipality had to turn away pupils because of lack of classrooms, telling parents to send their children to private schools. Some 24,000 pupils are said to attend public schools in East Jerusalem. Municipal sources revealed that when the three-year plan to

construct new classrooms began in 1995, there was a need for about 350 new classrooms, but there was currently a need for more than 400. (Jerusalem Post, 11 September)

419. On 16 September, some 200 Hebron merchants, notables and activists demonstrated in Hebron, demanding that Israel reopen the town's wholesale market, which had been closed since the Cave of the Patriarchs (Ibrahimi Mosque) massacre in 1994 for fear of Arab revenge attacks against Jews who passed through there. Settlers, on their part, held a counter-demonstration with placards stating that the market had been built on land stolen from Jews massacred in 1929. All protesters were quickly dispersed by IDF soldiers after the military governor agreed to meet with Mayor Mustafe Natshe. The Oslo Accord signed in September 1995 promised that "immediately after the signing of the Agreement and before the IDF redeployment, certain measures would be taken to facilitate commerce and movement in Hebron. The first undertaking on the list was to reopen the wholesale market and to allow the shops to open for retail trade. (Ha'aretz, 16 September; Jerusalem Post, 16 and 17 September)

420. On 16 September, it was reported that the first Palestinian bank in the areas under the Palestinian Authority's control had been set up in Ramallah, at the initiative of business firms, and was expected to start business in November. Another branch would subsequently be opened in Gaza. (Ha'aretz, 16 September)

421. On 16 September, for the second consecutive week, the IDF prevented shopkeepers from reaching their stores in the Hebron vegetable market. The shopkeepers made their move following a meeting with the Municipality of Hebron during which they decided to implement the clause in the Taba Accords that allowed the market and the stores to be reopened. The area was closed following the Hebron massacre of February 1994. (The Jerusalem Times, 20 September)

422. On 20 September, it was reported that the opening of the Gaza European Hospital had been postponed until February 1997 because of the closure Israel had imposed on the self-rule areas. (The Jerusalem Times, 20 September)

(e) Other developments

Oral evidence

423. The representative of the Al-Haq human rights organization described the policy of the Israeli authorities regarding Palestinians in Jerusalem:

> "Measures have been taken with a view to reducing the number of Palestinians living in Jerusalem. All attempts have been made to expel them from the City of Jerusalem and to revoke their citizenship. The limits of the City of Jerusalem have been reduced, so that all the people living outside these limits do not receive any of the municipal services. If a female citizen of Jerusalem gets married to a resident of the West Bank and does not live in Jerusalem, she immediately loses her right to live in Jerusalem. If a man is married to a woman from the West Bank and lives with his wife in Ramallah, which is only 13 kilometres away from Jerusalem, he forfeits his residence in Jerusalem. Children born to a

> mother from Jerusalem and a father from the West Bank do not receive residence in Jerusalem. Families who had left the West Bank with a permit to live in Jerusalem have had to go back and renew their permit regularly every three years. Lately, some of these residence permits have been revoked and the people have been asked to live outside Jerusalem." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

424. A witness described to the Special Committee the problem of registration of Palestinian children:

> "We face a problem with child registration. Only recently, we had the case of a family where the wife is from East Jerusalem and the father from the Gaza Strip. They were prevented from seeing each other for a long time. The woman gave birth in an East Jerusalem hospital and the father was not allowed to visit her, although she was in a very severe condition with a pre-born child in an intensive care unit. Finally, thanks to our very intensive efforts, the husband was allowed to visit his wife. However, his request for family reunification has still not been accepted." (Mrs. Natalie Rothman, witness no. 11, A/AC.145/RT.694)

425. Accounts of the other developments may be found in documents A/AC.145/RT.694 (Mrs. Natalie Rothman) and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

426. On 8 May 1996, the Islamic Bloc, which is associated with Hamas, won the student elections at Bir Zeit University, the heading Palestinian centre for higher education. The success of the pro-Hamas bloc at a non-Islamic university that counts many Christians among its 3,000 students showed that Hamas commanded considerable respect among the relatively prosperous and well-educated and not only among the poor. Many Fatah activists were downcast after the announcement of the results, with several activists stating that such an outcome could have been expected since many young people in the territories were more extreme and critical of Yasser Arafat for making excessive concessions to Israel and failing to stand up for all the Palestinian demands. (Ha'aretz, Jerusalem Post, 9 May)

427. On 17 May, the State informed the High Court of Justice that the Jerusalem-based Holy Land Foundation had to be closed down because it was an integral part of the Hamas infrastructure. The State was responding to the Foundation's petition against two administrative orders issued against it in March, one that would close it for a year and a second one confiscating all its property. The petition claimed that the Foundation was a purely charitable organization, offering support to widows and orphans, and therefore did not deserve to be closed. The State, on the other hand, told the Court that while the Foundation did give occasional small grants to orphans, the greatest part of its assistance went to the families of Hamas "terrorists" who had been killed, deported or imprisoned. The State argued that by giving "terrorists" the assurance that their families would be cared for if any thing happened to them, the Foundation encouraged and sustained terrorism. The State claimed further that the Holy Land Foundation operated in Jerusalem as the agent of the United States-based Holy Land Foundation for Relief and Development, which was run by known Hamas activists. (Jerusalem Post, 20 May)

428. On 22 May, Israel and the Palestinian Authority reached an agreement on the construction of a small Palestinian airport near Rafah in the Gaza Strip. The agreement stipulated that Israel would retain exclusive authority over security in the airport area. (Ha'aretz, Jerusalem Post, 26 May)

429. On 26 May, the IDF returned the body of a Palestinian who had been killed during an attempted "terrorist" attack in 1991 to his family in the village of Dura. The man had been buried previously in a cemetery on the Golan Heights used by the IDF for the burial of "terrorists". (Ha'aretz, 27 May)

430. On 15 June, a resident of Gaza, Ibrahim Sarsawi, died at the Erez checkpoint after Israeli soldiers kept the ambulance he was in waiting for three hours while they conducted a security check. In a related development, a Palestinian human rights organization, the Gaza Centre for Rights and Law, explained that the Israeli authorities continued to refuse to grant permits to scores of emergency cases from Gaza because of the closure policy. (The Jerusalem Times, 21 June)

431. On 28 June, it was reported that the Israeli Ministry of the Interior continued its campaign of confiscating Jerusalem identity cards from Palestinians living outside Jerusalem or abroad. Israeli law stipulates that whoever lives outside Jerusalem for seven consecutive years is liable to have his ID withdrawn. The Ministry began withdrawing cards before the seven-year period had elapsed and was, in addition, withdrawing the cards of women from Jerusalem who were married to men from the West Bank. (The Jerusalem Times, 28 June)

432. On 8 July, the Jerusalem police summoned six members of the Palestinian Council from the Jerusalem district for a "conversation of clarification" at the Minorities' Section of the Russian Compound. A police officer informed the Council members by telephone that they were to report to the Russian Compound at 8.30 a.m. He did not provide any additional details regarding the reasons for the summons. The six Council members held a meeting with the Chairman of the Palestinian National Council to discuss the issue. They condemned the authorities' decision and announced that they did not intend to respond to the summons. Mrs. Hanan Ashrawi, who was among those summoned, stated that the step constituted a blatant violation of the peace accords and was a dangerous signal from the Government regarding the Palestinians. The Palestinian National Council Chairman stated that it was unacceptable for Israel to summon to police premises members of the Palestinian National Council who enjoyed full immunity under the accords signed between the PLO and Israel. (Ha'aretz, 9 July)

433. On 13 July, a high-ranking member of Hamas in the Gaza Strip warned that unless Israel withdrew from Jerusalem and Hebron, major attacks would soon be launched in Jerusalem and the settlements around Gaza and Hebron. The Hamas activist issued the warning in response to the statements made by Prime Minister Netanyahu in the United States. (Ha'aretz, 14 July)

434. On 1 August, Justice Minister Ya'acov Ne'eman reportedly pledged to review the files of the 33 Jews who were under administrative orders restricting their movements. The Minister has no authority to change the orders, which were

issued by the army, but his opinion on the matter was expected to carry weight in the Cabinet. (Jerusalem Post, 2 August)

435. On 5 August, Prime Minister Netanyahu, commenting on the withdrawal of ID cards from the residents of Jerusalem, stated that the only identity cards that were withdrawn were those proven to have been forged. Netanyahu added that the problem had been solved when the Israeli authorities raided the site where the forged documents were produced. Palestinian sources refuted Netanyahu's claims that only forged documents were being withdrawn and that no other cards were being taken away from persons who were currently outside the City for reasons such as work or study. President Yasser Arafat indicated that some 500 Jerusalem ID cards had been withdrawn. (The Jerusalem Times, 9 August)

436. On 21 August, the Israeli security forces closed two Palestinian Security Service offices just outside Jerusalem on the grounds that they had operated in violation of the interim accords. However, a third office was not affected by the measure. Palestinian sources stated that the two offices that were closed were located in the village of Azzariya, while the office that was left open was in the adjoining village of Abu Dis, which borders Jerusalem to the east. The area was declared a closed military zone during the military operation and soldiers tried to prevent reporters and photographers from approaching the site. The army spokesman declined to explain why the office in Abu Dis was allowed to remain open, stating that his office would not elaborate on operational considerations. (Jerusalem Post, 22 August)

437. On 31 August, the school year started in the autonomous areas with the first lesson devoted to Jerusalem. (Ha'aretz, 1 September)

438. On 8 September, officials of the Israeli Archaeological Department broke into a construction site to stop all work in the Samaritan neighbourhood of Mount Jerzim, near Nablus. The official in charge, Hussni Wassef Al Kahen, stated that the Israeli Government had been working for the past 19 years to change Mount Jerzim from a spiritual to an archaeological site that would attract tourists. Al Kahen was referring to the excavations that the Israeli Archaeological Department had been undertaking on the mountain. (The Jerusalem Times, 13 September)

439. On 10 September, the Jerusalem Municipality issued a restraining order blocking all restoration work on the Mosque of Omar. The Municipality explained that the repairs were illegal. A similar order was issued a week earlier to stop repairs at the Marwani prayer site, which is part of the Al-Aqsa compound. The Islamic Waqf refused to comply with the order, describing the move as interference in the internal affairs of the Waqf. (The Jerusalem Times, 13 September)

2. Measures affecting certain fundamental freedoms

(a) Freedom of movement

Oral evidence

440. This is how the freedom of movement in the occupied territories was described by the Director-General of the Addameer Prisoners' Support Association from Gaza:

> "Israel's control over the crossing points remains and thus Israel is the one to control the freedom of movement and the freedom of travel, not simply from inside the areas under Palestinian Authority to Israel, but also the movement and travel of persons and goods from the Palestinian areas to outside Palestine, be it to Arab countries or to the world at large." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

441. A representative of Physicians for Human Rights provided the Special Committee with background information about the closure of the occupied territories:

> "As you well know, the closure was imposed in practice in 1991, following the Gulf War, and has never been lifted since. It has been increased or decreased according to several Israeli considerations, but no freedom of movement for all Palestinians was ever returned since 1991. Strange as it may sound, since 1993 and the signing of the Oslo Accords, actually the closure became more intense, more problematic.
>
> "The whole West Bank has now slowly turned to the system that has already been implemented in the Gaza Strip since 1994, and that is that a Palestinian who wishes to receive an entry permit into Israel or a permit to leave the Gaza Strip to wherever first needs to approach the Palestinian Authority. He cannot approach the Israeli authorities. So, he files a request through the Palestinian Authority, which then processes the request to the Israeli side. The Israeli side decides whether to grant the permit or not and then gives its reply orally and not in writing to the Palestinian side, which, in turn, informs the person who had asked for the permit whether the request has been accepted or not. This procedure is very problematic and I will refer later to the various problems it creates. The main point is that there are no processing mechanisms that are written and public, which makes our work very difficult because we cannot tell whether a decision was contrary to those procedures. We have no way of knowing what the procedures are. This is one problem.
>
> "The other problem is the lack of appeal mechanisms. Whenever a request is not granted, there is no procedure for appealing the decision. The fact that the response is transmitted orally also opens the gate for various violations." (Mrs. Natalie Rothman, witness no. 11, A/AC.145/RT.694)

442. The same witness spoke about the difficulties faced by health workers employed in Jerusalem as a result of the closure:

> "As regards doctors and medical personnel, this problem is even more severe. The biggest and most developed medical centre for Palestinians is East Jerusalem, where the three largest hospitals in the West Bank are situated. That is Makassed General Hospital, Augusta Victoria General Hospital and St. John Ophthalmic Hospital. These hospitals give services not only to residents of East Jerusalem, but also to residents of the West Bank and the Gaza Strip. The medical staff and other personnel of these hospitals are mostly from the West Bank and the Gaza Strip, and not from East Jerusalem itself. About 68 per cent of the staff of these hospitals come from the West Bank and the Gaza Strip.
>
> "Consequently, whenever a closure is imposed, those hospitals face severe problems in maintaining their normal level of functioning. The last closure, which was introduced on 25 February 1996, actually cancelled all previous permits for medical personnel and patients, as well as for other Palestinians who wish to move from one area of the West Bank to another or from the Gaza Strip to the West Bank, etc.
>
> "The fact is that today, whenever a closure is imposed, medical personnel remain within the hospital compound during the closure. When they wish to return home, to Gaza or to the West Bank, they are put to trial. And in most cases, their entry permits are not renewed by Israel, which claims that they violated the order according to which, whenever a closure is imposed, everyone returns home." (Ibid.)

443. The Special Committee's attention was drawn to the particularly serious situation of patients whose freedom of movement is restricted as a result of the closure and the lack of written rules:

> "As I mentioned before, we have a very severe problem with the lack of written and explicit public procedures regarding the medical criteria for allowing patients into Israel. For a very long period of time now, we have been trying to get those procedures from the Israeli army, but until now to no avail. We are told that the criterion for allowing a patient into Israel is the fact that the required treatment could not be granted in their region of residence. That is to say that if a patient requires a certain treatment that is not available in the West Bank, he is then allowed into Israel. Of course, that is not the only condition. There are several security conditions. Also, it depends on the period when the request is made. If it is during strict closure, then it is probable that only in the case of a life-threatening problem would the person be granted a permit. And even then: we have faced more than 11 cases of death in the past few months, about which my colleague will be able to give you more details later, 11 cases of patients in obviously life-threatening situations who were not granted entry permits and who consequently died.
>
> "I am sure that you all know that the level of treatment available in Israeli hospitals in most fields is much better than that available in both the West Bank and the Gaza Strip." (Ibid.)

444. The second representative of Physicians for Human Rights provided detailed information about the effects of the closure on the health sector:

> "For the first time also, it was not possible to move between the villages. In the West Bank, 245 clinics were unable to function and could not render their services to the citizens because of the numerous military barriers that were put up and prevented the medical staff from reaching their places of work.
>
> "Ambulances were prevented from entering the villages. I would like to emphasize the fact also that some patients from villages where there are no clinics and not even primary health centres were unable to get out because of the military barriers. They could not leave Tulkarm, or Nablus, or Ramallah, and go to the hospitals or the big health centres in order to receive medical treatment.
>
> "During the last closure also, many Palestinian patients suffering from kidney problems, particularly children, were not able to go to hospital for dialysis, which is a vital element for their life.
>
> "Out of 100 cases, only 10 were granted a permit to enter Israeli or Jordanian hospitals.
>
> "The report I have here documents 10 cases of death caused by the fact that the patients were stopped at military checkpoints, although some of them had permits.
>
> "Owing to the same closure, we noted an important shortage of oxygen for the hospitals, particularly for hospitals in the Gaza Strip. It was only after the intervention of our association (Physicians for Human Rights) that a certain number of oxygen bottles were allowed in. We tried to get in touch with the Israeli military commander of the southern region and the coordinators for health matters of the Palestinian Authority. After four days of efforts, we were finally able to supply the hospitals with some oxygen.
>
> "According to the data transmitted to us, the shortage of medicines concerned in particular drugs necessary for the treatment of heart and kidney patients, as well as for patients suffering from high blood pressure. These transports of medicines were started daily from Palestinian towns in the West Bank and waited for long hours in the hope of being allowed to enter the Gaza Strip. As I said, it was only after a number of days that these deliveries were allowed in. In some cases, the medicines had to be returned as they had been damaged because of the heat they were submitted to during the long wait at the crossing point." (Mr. Salah Haj Yehya, witness no. 12, A/AC.145/RT.694)

445. He provided the following statistics in this connection:

> "According to our information, 60 per cent of the persons working in the field of health in Palestinian clinics and hospitals, that is about 318 doctors and more than 700 nurses, in addition to technicians and

> administrative staff, have not been able to reach their places of work because of this closure. Seventy per cent of the manpower in the Palestinian health services were unable to function and 367 nurses and 56 pharmacists and laboratory technicians working in the villages and in the countryside of Palestine were unable to reach their places of work or to render services to the needy people and the patients." (Ibid.)

446. The Director-General of the Addameer Prisoners' Support Association also described the effects of the closure on the freedom of movement and, ultimately, on the health of the population of the occupied territories:

> "Unfortunately, in most cases we were just given some pretexts and justifications.
>
> "The last story I remember is the case of a Palestinian patient who died at one of the crossing points. After the patient had completed all the official formalities and obtained the permit to be transported to hospital in Israel, all the same his ambulance was stopped at the Erez crossing point for three hours. From our point of view, Israel's refusal to allow a doctor to accompany the patient and the fact that the ambulance was blocked for three hours under the pretext of a security check are the direct reasons for the death of this patient. The reply given by Israel is simply a lie. I was contacted by an Israeli who told me that the Israeli military spokesman said that the driver of the ambulance did not wait for three hours, but that he waited for 45 minutes at the crossing and that actually he was not heading to the hospital, but was going somewhere else. So, they were just telling us lies. They were just trying to justify their act. The ambulance was transporting a patient in a very serious condition and its task was to make him reach the hospital before he died! So I was obliged to go to the hospital and to ask about the truth, to ask about what happened. I asked the driver of the ambulance and I asked the nurse. They confirmed to me the fact that they had waited for three hours at the crossing point. Finally, they had had to take the patient to another hospital, Al-Majdal Hospital, which was closer.
>
> "I just mention this example in detail in order to show that sometimes the replies given to us by the Israelis are mere justifications. They always tell us that they have some security considerations to take into account." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

447. Mr. Fuad Issa Abu-Hamed, the B'tselem fieldworker, described to the Special Committee the hardships and occasionally disastrous effects suffered by the inhabitants of the occupied territories as a result of the restrictions imposed on their freedom of movement in the context of the closure:

> "For example, a lady from Al-Nahalin village in the Bethlehem municipality was being driven by her husband to the hospital in Bethlehem to give birth. The Israeli soldiers at the exit of the village kept them from reaching the hospital and made them wait for two hours in the car - they even prevented them from leaving the car! There, in the car, the lady gave birth to twins. The babies died shortly after, for lack of suitable care. In this case, the lady simply wanted to have access to the hospital

> in the West Bank, not to Israel or Jerusalem, and the distance between the village and the hospital is seven minutes by car. The soldiers also denied her permission to go back to the village to give birth at home.
>
> "Here is another case, that of Mrs. Salma Alayan, aged 80 years. She was from the village of Sheikh Saad in the municipality of Bethlehem. On 3 March 1996, she suffered a stroke at 6 o'clock in the morning. Her son tried to rush her to hospital. However, the Israeli soldiers refused him permission to pass. They even refused to call for an ambulance to take the patient to hospital. Thereafter, the son decided to carry her on his back to the hospital. He walked for three kilometres through the mountains, managed to rent a car and went to the hospital in Bethlehem, where he arrived at 2 o'clock in the afternoon. This means that the trip took him seven hours. In hospital, he was told that it was too late and that the lady should be taken to a hospital in Israel. But the Israeli soldiers denied permission and the lady died in hospital."
> (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

448. A witness described the freedom of movement of Palestinian workers in Israel:

> "I am not allowed to leave the premises where I work. I am not allowed to go about. If a policeman caught me outside my place of work, he would say that this is not my place of work and what am I doing out of it?" (Anonymous witness no. 6, A/AC.145/RT.691)

449. A witness from Gaza stated the following regarding the freedom of movement:

> "One other thing I would like to mention is that if you go to the Gaza Strip, you are not allowed, I say not allowed, to drive alone from Rafah to Gaza. You have to take somebody else with you, from the street or whatever. Security, they say. All because of security. If you drive alone, without any question you must be shot. By the Israeli forces, on the road, where there are roadblocks." (Mr. Omar Khalil, witness no. 5, A/AC.145/RT.691/Add.1)

450. A witness from the Gaza Strip summed up the situation with regard to the freedom of movement of Gazans in the following way:

> "Why is all this taking place? The reason is very clear, the reason is that there is no freedom of movement. The Palestinian citizens are not allowed to move freely. The Gaza Strip is tantamount to this ashtray I am holding. Here, we have a crossing, Rafah, and here Erez. One leads to the Egyptian frontier and the other one to Israel. Who has the control? There is Karni and there is Sofa. There are four crossing points and there is a complete and tight control by Israel. The Palestinians are not allowed to move without a permit obtained from the Israeli authorities."
> (Mr. Ibrahim Khamis Shehada, witness no. 7, A/AC.145/RT.692)

451. A witness described the results for persons working in Jerusalem of restrictions imposed on the freedom of movement:

> "Firstly, many of our officials are not able to come to their place of work in Jerusalem. This means that these officials and the staff members are not able to discharge their professional duties, whereas our organization continues to pay their salaries without obtaining from them their work in exchange for their salaries. Secondly, the association was not able to organize its basic activities, as a result of the lack of the necessary conditions, like the availability and the presence of those we invite in order to participate in the work of our association. Our association was thus compelled to cancel a number of activities that we had previously planned." (Mr. Abdel Rahman Abu Arafeh, witness no. 10, A/AC.145/RT.694)

452. The same witness described the serious effects of the lack of the freedom of movement on health services:

> "Let me give you one specific example. Makassed Hospital, which is the biggest Palestinian hospital in Jerusalem, employs 675 persons, of whom 444 are from the West Bank and the Gaza Strip. That is to say that they do not carry a Jerusalem identity card and therefore cannot enter the City of Jerusalem without a special permit. And during the closure, Israel did not grant those permits.
>
> "After enormous pressure was brought to bear on the Israeli authorities and after the intervention of even the High Court of Justice, the number of persons allowed into Jerusalem gradually increased and a total of 140 permits were granted. This represented 5 per cent only of the total number of persons who work in Jerusalem in the health sector in general." (Ibid.)

453. This is how a witness who was born in Jerusalem described his freedom of movement:

> "I have not been in Jerusalem for three years. I could not go to Jerusalem. I was not allowed to, despite the fact that I was born in Jerusalem.
>
> "Also when I got sick and wanted to go to hospital in Jerusalem, they denied me a permit." (Anonymous witness no. 15, A/AC.145/RT.695/Add.1)

454. The General Director of the Mandela Institute for Political Prisoners provided the following background information regarding the freedom of movement in the occupied territories:

> "At the beginning of the occupation, the Israeli military authorities had declared all areas of the West Bank and Gaza closed military areas that nobody could enter or leave, except with a special permit according to military orders 534 and 144. Thereafter, the Israeli military authorities decreed that all the inhabitants of both areas were allowed to leave, but reserved themselves the right to withdraw the permits collectively or individually. This means, in the mind of the Israeli authorities, that closures are the general rule and lifting them the exception."
> (Mr. Ahmad M. Sayyad, witness no. 18, A/AC.145/RT.696)

455. The representative of the Palestinian Centre for Human Rights stated the following concerning the freedom of movement of the inhabitants of the occupied territories:

> "The Palestinians are prevented from moving freely in the Palestinian territories, in spite of the Agreement signed by the PLO and the Government of Israel, which unequivocally states that the Palestinian territories are one single entity. This means that Israel has the duty to comply with this admission in practical terms." (Mr. Hamdi Shaqqura, witness no. 20, A/AC.145/RT.697/Add.1)

456. The representative of Al-Haq described the current situation regarding the freedom of movement in the context of the peace agreement:

> "As you know, the West Bank is now divided according to the peace agreement into various areas. Area A is under the Palestinian Authority, which has competence in the fields of health and education, but is not, however, competent to deliver transit permits to people. This means that the freedom of movement of the Palestinians is not in the hands of the Palestinian Authority, but still in the hands of the Israeli authorities.
>
> "If a citizen from area A finds himself in area B without a permit, he can be arrested by an Israeli soldier. We can say that there is little or no difference between A and B, because sometimes the dividing line can be just a street." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

457. Testimonies referring to the restrictions on the right to freedom of movement may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh), A/AC.145/RT.694 (Mrs. Natalie Rothman), A/AC.145/RT.694 (Mr. Salah Haj Yehya), A/AC.145/RT.695/Add.1 (anonymous witness), A/AC.145/RT.696 (Mr. Ahmad M. Sayyad), A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura) and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

458. On 1 April 1996, the security authorities decided to allow an additional 3,000 Palestinians above 45 years of age to work in the agricultural sector in areas located near the Gaza Strip as well as in the Erez industrial zone and in Jewish settlements. In a related development, the security authorities also decided to lift some travel restrictions regarding women and children who needed to undergo medical treatment in Israel. (Ha'aretz, 2 April)

459. On 19 April, a 54-year-old woman from Shati' refugee camp died after Palestinian doctors were unable to transport her to the Tel Hashomer Hospital in Israel. The Israeli authorities gave no response when the woman, who was suffering from a serious heart ailment, applied for a travel permit. (The Jerusalem Times, 26 April)

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460. On 2 May, Israel invalidated the VIP passes of two Palestinian Authority Ministers who had smuggled students from Gaza to Bir Zeit University. In a letter sent to the Palestinian Authority Minister for Civil Affairs, the spokesman for the Coordinator of the Government's Activities in the Territories stated that Israel was invalidating the VIP passes of the Minister for Social Affairs, Intisar Wazir, and of Abdel Rahman Hamed, who is in charge of energy and who had abused their privileges in order to smuggle into Bir Zeit University students from Gaza who had been barred from entering the West Bank, thus endangering public security. The spokesman also stated that as a result of the abuses, his office would re-examine the entire procedure of issuing VIP passes for entry into Israel. There were currently 80 VIPs with A status who could travel with an escort and guard without being subjected to security searches. Another 160 persons with B status were given special treatment but were liable to searches and could not bring in an escort or guards. (Ha'aretz, Jerusalem Post, 3 May)

461. On 27 May, the IDF barred all Palestinian labourers from entering the industrial zones in Jewish settlements and the Jordan Valley. (Jerusalem Post, 29 May)

462. On 9 June, it was reported that the Dean of the Medical Faculty of the University of Tel Aviv had stated that the Government's refusal to allow Palestinian doctors, nurses and other staff to return to their jobs at the Makassed Hospital in East Jerusalem as part of the closure was shameful. "When we look at the two sides of the conflict in this matter, between one side with enormous military power and a medical system that is simply trying to provide treatment", he stated, "one can be only ashamed". The Dean made his statement at a conference sponsored by Physicians for Human Rights entitled "The Limits of Autonomy in the Medical Establishment". (Jerusalem Post, 9 June)

463. On 11 June, 17 members of the Palestinian Council decided to remain in Gaza and not take part in a meeting of the Palestinian Council in Nablus in order to protest against the security checks to which they had been subjected at the Rafah checkpoint. (Ha'aretz, 12 June)

464. On 16 June, the IDF refuted charges levelled by the Palestinians that soldiers had caused the death of a heart patient by delaying his entry from Gaza to Israel by three hours. The Palestinian Authority reportedly obtained an entry permit for Ibrahim Sirsawi, 34, after he had suffered a heart failure. Seven minutes after crossing the Erez checkpoint Sirsawi died. (Jerusalem Post, 17 June)

465. On 25 June, the Israeli police arrested a member of the Palestinian Council at the Allenby (King Hussein) Bridge. He was released after five hours of questioning about inciting youths against the confiscation of Palestinian-owned land for the construction of a bypass road. (Ha'aretz, Jerusalem Post, 26 June)

466. On 28 June, a PNA official stated that according to an agreement reached with the Israeli authorities, women from the West Bank married to men from the Gaza Strip would be allowed to move freely between Gaza and the West Bank. (The Jerusalem Times, 5 July)

467. On 3 July, the Coordination and Liaison Bureau at the Erez checkpoint refused to allow a 20-year-old resident of Gaza suffering from total paralysis to enter Israel for an operation, despite the fact that his entry had been approved a day earlier by the office of the Coordinator of the Government's Activities in the Territories at the request of Physicians for Human Rights. The Liaison Bureau spokesman stated that an authorization by the Coordinator of the Government's Activities was one of principle and that passage through the Erez checkpoint also required the approval of the Liaison Bureau. Such approval was conditional upon the patient presenting his or the Palestinian Authority's financial commitment to the hospital. He claimed that such a commitment had not been presented in this case. Physicians for Human Rights stated in response that the Liaison Bureau was supposed to examine only security-related aspects concerning the issuing of permits and that there was no justification for the Bureau to defend the financial interests of hospitals. (Ha'aretz, 5 July)

468. On 3 July, it was reported that as part of the initial measures taken to ease the closure, the security authorities had decided to allow Israeli trucks with merchandise into the Gaza Strip without prior coordination. Several restrictions regarding the transport of goods from the Gaza Strip into Israel were also lifted. (Ha'aretz, 3 July)

469. On 12 July, it was reported that Gazan trucks transporting tiles were prevented from entering Israel. Security sources stated that the IDF had found it difficult to conduct efficient checks of trucks loaded with tiles. It was feared that they might be used to transport "terrorists" or explosive devices so it was decided not to allow them to cross into Israel at all. Numerous companies and factories in the Gaza Strip were closed and workers laid off as a result of the decision. (Ha'aretz, 12 July)

470. On 29 July, a high-ranking army officer reported that 10,000 additional Palestinian labourers would be allowed to enter Israel. He also stated that the number of Palestinians allowed to work in industrial zones near Israel would be increased and that ambulances would be authorized to cross into Israel. The measures that followed the lifting of the closure that had been imposed on the territories on 26 July restored the situation back to that prevailing on 18 July when 25,000 married Palestinian men aged over 29 were in possession of entry permits. (Ha'aretz, Jerusalem Post, 29 July)

471. On 7 August, the Chairman of the PLO Executive Committee and the Palestinian Authority Security Chief for Gaza were delayed for one and a half hours at the Erez checkpoint and were thus unable to attend a meeting of the Palestinian Council in Ramallah. The officials, both of whom are holders of Class 1 VIP passes, which allow unhindered crossing at IDF checkpoints, stated that the soldiers had abused them verbally. The Palestinian Authority Security Chief stated that there was a policy of systematically humiliating Palestinians at roadblocks. In a comment about the incident, the IDF spokesman stated that the two officials had arrived at the roadblock without prior coordination with the Israeli liaison bureau. (Ha'aretz, Jerusalem Post, 8 August)

472. On 12 August, it was reported that some 35,000 Palestinians from the West Bank and the Gaza Strip were currently allowed into Israel. (Ha'aretz, 12 August)

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473. On 13 August, it was reported that Israeli Arab leaders were urging the Government to lift the restrictions preventing Israeli Arabs from giving aid to relatives in Gaza. The restrictions regarding visas to Gaza given to Israeli Arabs were imposed by the OC Southern Command, Maj.-Gen. Shlomo Yanai in the wake of the suicide bombings earlier in the year. Nevertheless, several reports suggested that it had been agreed that Israeli Arabs would be issued visitor's permits for humanitarian reasons. A special office was opened for that purpose at the Erez checkpoint but the six women soldiers who were supposed to deal with the permit requests had so far not been transferred there. The spokesman for the Forum of the Heads of Israeli Arab Council stated that Israeli Arabs had not been allowed to visit their relatives or provide them with humanitarian assistance for approximately five months. (Jerusalem Post, 13 August)

474. On 16 August, dozens of Israeli Arabs staged a demonstration at the Erez checkpoint to protest against the IDF preventing them from entering the Gaza Strip to meet their relatives, including first-degree family members, for several months. Among the protesters were several dozen children, some of whom carried banners reading "I want to see Mom". One of the protesters, a resident of Rahat and a mother of six, stated that the Israeli authorities were preventing her and her children from meeting her husband, a resident of Rafah (Gaza Strip), who had left Rafah after the imposition of the first closure in February. Another protester stated that the Israeli authorities were preventing him from doing something he had done for several decades: visiting his father's grave in Khan Younis every week. Another male protester and holder of an IDF disability certificate had managed to obtain a permit from the Defence Ministry office allowing him and his wife, a former resident of the Gaza Strip, to visit her parents. However, soldiers at the Erez checkpoint refused to honour the permit. A member of Knesse Taleb A-Saneh who was among the protesters stated that the Erez checkpoint was supposed to be a gateway to peace and hope and not a stumbling block stifling the peace process. "The army's policy is more in line with the sombre days of the occupation than with the significance of the concept of peace", Mr. Saneh stated, adding that the mentality of the military authorities had remained unchanged. (Ha'aretz, 18 August)

475. On 22 August, Palestinian Authority Chairman Yasser Arafat, who was scheduled to attend the Palestinian Council deliberations in Ramallah and meet Labour Party Chairman Shimon Peres, remained in Gaza after the Israeli authorities had notified the Palestinian Authority that they would not allow his helicopter to fly over Israeli airspace. It was only in the afternoon that political sources informed the Palestinian Authority that Mr. Arafat's flight to Ramallah had been approved by the Security Ministry. However, Arafat's spokesman announced that he had changed his schedule by then and would not arrive in Ramallah. The initial government ban regarding Arafat's flight spawned a four-hour debate in the Palestinian Council over the "insult" to Mr. Arafat and to the Palestinian people. (Ha'aretz, 23 August; Jerusalem Post, 29 August)

476. On 23 August, it was reported that Israel had refused to issue visas to Palestinians from Jerusalem with United States passports unless they agreed to give up their right of residency in the City. Israeli officials cited a law dating back to 1952 in order to justify their actions. The present measures were perceived as part of a campaign of withdrawal of ID cards from

Jerusalemites that the Israeli Ministry of the Interior had begun several months ago. For the past 30 years Israel has issued return visas to all Palestinians with foreign passports who were also holders of Israeli identity cards. In a related development, journalist Daoud Kuttab reported that while he had been denied a visa, his family had been issued one. Israeli officials explained that re-entry visas were granted only to foreigners who were born abroad and not to those who had acquired their passports by naturalization. (The Jerusalem Times, 23 August)

477. On 11 September, the IDF opened the Sufa crossing in southern Gaza to Palestinians who worked in the Negev in an effort to ease restrictions on Palestinian labourers. The army underlined, however, that the same travel restrictions would be applied as those at the Erez checkpoint: only married Palestinians over the age of 29 who had valid permits would be allowed to enter and only after strict security checks. In addition, the crossing would be permitted only on foot. (Jerusalem Post, 11 September)

478. On 13 September, it was reported that Palestinians, with the exception of a few with special permits, were being barred from travelling on a new road from Gush Etzion to Jerusalem, making it the first West Bank bypass road that Palestinians could not use. The IDF spokesman explained that the road, which turned Gush Etzion into a suburb of Jerusalem, was designed for the Israeli population and the defence forces only and that the Palestinian population had other roads at its disposal. Mustafa Natshe, the Mayor of Hebron, stated that he was astonished by the decision, which he defined as "apartheid on the roads", pointing out that Palestinians were barred from travelling on roads that had been built on their own confiscated land. Successive Israeli Governments had defended the practice of confiscating land for roads in the West Bank by claiming that they could be used by Palestinians as well as Israelis. (Jerusalem Post, 13 September)

479. On 13 September, it was reported that the IDF had continued to impose arbitrary restrictions on the free movement of Hebronites in the area of the Ibrahimi Mosque. In a related development, three youths from Dir Samet village were arrested in the centre of Hebron and beaten up by Israeli soldiers. They were transferred to an Israeli police station in Kiryat Arba and were released after the intervention of the Palestinian Liaison Office. (The Jerusalem Times, 13 September)

480. On 16 September, it was reported that senior Palestinian Authority officials had recently protested to Israel against the harsh restrictions imposed on their movements in the territories and on the border crossings into Israel. In a letter sent to his Israeli counterpart in the liaison committee, the General Coordinator of the Palestinian Authority, Jamil Tibi, complained against the "shameful treatment by Israelis of representatives of the Palestinian Authority who wished to cross from Gaza to the West Bank via Israel". Mr. Tibi also criticized the treatment of Palestinians at the border crossing to Egypt in Rafah, stating that in recent times Israel was increasingly preventing Palestinians from crossing into Egypt, which, he claimed, constituted a blatant violation of the Interim Accords. (Ha'aretz, 16 September)

481. On 16 September, Finance Minister Dan Meridor announced that in the coming weeks, the number of Palestinians allowed to work in Israel would be increased from 37,000 to 50,000. (Jerusalem Post, 17 September)

482. On 17 September, B'Tselem issued a statement demanding that the Israeli Minister of Defence, Yitzhak Mordechai, rescind a new measure prohibiting Palestinians holding permits to enter Israel from using the new tunnel linking Jerusalem to the Gush Etzion area. Palestinians were ordered to enter Jerusalem by the main Bethlehem-Jerusalem road. (The Jerusalem Times, 20 September)

483. On 18 September, B'Tselem wrote to Defence Minister Mordechai demanding that the new road between Gush Etzion and Jerusalem be opened to Palestinians who had permits to enter Jerusalem. The organization wrote that permitting only Jews to use the road violated principles of international law, justice and morality. Several other human rights organizations had also complained about the separation measure, which was said to be at odds with the State's declared policy that roads built by Israel in the West Bank were for all of its residents. (Ha'aretz, 18 September; Jerusalem Post, 19 September)

(b) Freedom of education

Oral evidence

484. The Director General of the Addameer Prisoners' Support Association described the effects of the closure on students:

> "During the previous period, even during closures, students were not prevented from going to their universities, patients were not prevented from going to hospitals, food stuff was not barred from entering the areas, vaccines and medicines were not banned. But the new closures cover all these types of closure, which were not used before."
> (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

485. Mr. Fuad Issa Abu-Hamed, the B'tselem fieldworker, described to the Special Committee the arrests of students at Bir Zeit University:

> "On 28 March 1996, the Israeli army launched an extensive operation of arrests in Bir Zeit University. In the early morning, the Israeli forces stormed the dormitories and arrested 376 students, male students only. The purpose of the operation was to arrest students from Gaza and send them back to Gaza, on the pretext that they did not have a permit. Here, I should mention that the Israeli authorities do not give any permits to Gaza students to be educated in the West Bank." (Mr. Fuad Issa Abu-Hamed, witness no. 2, A/AC.145/RT.690)

486. Mr. Abu-Hamed also provided information about the closing of a number of Palestinian educational institutions in March 1996:

> "Now, I come to the subject of the closing down of educational institutions. Among the decisions taken by the Israeli Government in March this year, more precisely on 3 March 1996, one was to destroy the nucleus of the Hamas movement. In order to carry out this decision, the

Israeli forces have closed down a number of educational establishments and charity institutions, which, according to Israeli sources, are institutions belonging to the Hamas organization.

"On 5 March 1996, the Israeli security forces closed down the following establishments in Hebron for half a year:

- The University of Hebron, where, 1,700 students are receiving their education;
- The Polytechnic Institute, with 900 students;
- The Islamic Charitable Society;
- The Muslim Youth Association, which is concerned with sports activities for young people.

"On 6 March 1996, the Israeli forces closed down the following institutions for six months:

- The Faculty of Islamic Sciences, in Abu Dis, Jerusalem Municipality, where 520 students receive education;
- The Abu Dis Faculty of Science and Technology, where 1,050 students receive education.

"The Committee of Islamic Science in Jerusalem was closed for two weeks. The Holy Land Assistance and Salvation Fund was closed for 14 days as well. (Ibid.)

487. A witness from the Gaza Strip described the situation of students who used to study in educational institutions in the West Bank:

"But I want to speak now about human rights for the students of Bir Zeit University, for students of the University of Bethlehem. I want to speak about the students of Gaza in the universities of the West Bank.

"These students of Gaza who study in the universities of the West Bank, they are until now forbidden to continue their study there. In my own village, we have many students who study at Bir Zeit University. In four years, maybe they could study two years and now they cannot go and complete their studies. Why?

"As you know, this is because of the Israeli measures of closure. The last time, they arrested students from Gaza in their homes at university and brought them back to Gaza. Until now, these students are waiting. The area is closed. No one can go and continue to study. I have names. I know students of my own village and many others. One main human right, the right to study, is not granted. This is because of Israel, in spite of what they say about respecting human rights." (Mr. Omar Khalil, witness no. 5, A/AC.145/RT.691/Add.1)

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488. The fieldwork coordinator of the Gaza Centre for Rights and Law described the situation of university students from the Gaza Strip:

> "Regarding the freedom of movement, the students living in the Gaza Strip have lost a whole school year. On 28 March 1996, the Israeli forces attacked the students' houses in the area of Bir Zeit. They arrested all the students and deported about 280 of them. The students were forced to write signs and hang them on their backs to be 'shipped' back to Gaza. They were treated exactly like animals!" (Mr. Ibrahim Khamis Shehada, witness no. 7, A/AC.145/RT.692)

489. The representative of the Palestinian Centre for Human Rights described the effects of the closure on education:

> "I shall speak in detail about all these questions, and now particularly about the students from the Gaza Strip who study at universities in the West Bank. About 1,200 students from the Gaza Strip receive education in the faculties and institutes of the West Bank. Some of these institutions are located in areas under the Palestinian Authority, in Ramallah, Nablus and Bethlehem. With the latest closure, the Israeli authorities prevented all students from Gaza from going to their universities in the West Bank. A large number of them had actually returned to Gaza shortly before 25 February with a view to celebrating at home the feast at the end of Ramadan. With the closure, those students could no longer go back to their place of study. Later on, on 12 March 1996, the Israeli army issued a decree stipulating that all Gaza students in the West Bank should be deported back to Gaza. The army spokesman declared that the order applied to all students from Gaza studying in the West Bank including those studying in the areas under the Palestinian Authority." (Mr. Hamdi Shaqqura, witness no. 20, A/AC.145/RT.697/Add.1)

490. The witness provided details about what happened at Bir Zeit University on 28 March in the context of the closure:

> "But on 28 March, equipped with vehicles and helicopters, the Israeli armed forces attacked Bir Zeit and the neighbouring villages, conducting a large-scale campaign of arrests and arresting about 370 persons, of whom 280 were students of Bir Zeit University. This was the largest and harshest campaign of arrest conducted against Palestinian students.
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> "The students were transferred to a detention centre in Israel. Some of them were beaten up by the Israeli soldiers. They were divided between Gaza students and West Bank students. The West Bank students were released, except for some who were required by the Israeli security. As for the Gaza students, whose number amounted to 32, they were transferred back to the Gaza Strip.
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> "Some of these students gave evidence to the Palestinian Centre for Human Rights. They said that the Israeli soldiers had put on their backs some cardboard signs saying 'To be transported to Gaza'. This was humiliating and intentional. The fate of five of these students is unknown

> to us. We know that they were arrested, but we do not know whether they are still in detention or whether they have been released.
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> "So far, the majority of the Gaza students are still in the Gaza Strip, up till now. They are in a state of despair because they have lost one whole academic year." (Ibid.)

491. The representative of Al-Haq described the effects of the closure on the freedom of education in Jerusalem:

> "Another effect of the closure regarding Jerusalem is in the field of education. There are private schools in Jerusalem that absorb a considerable number of students from the West Bank. The closure and the obstacles that it causes have kept the students from going to their places of study." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

492. A witness from Jerusalem described the difficulties regarding the freedom of education in that City as a result of the closure:

> "In the education sector, the City of Jerusalem and its suburbs have 96 schools in which around 50,000 students study and about 2,000 teachers (male and female) work. About 65 per cent of the teachers (again both male and female) carry West Bank identity cards and because of the closure, they cannot get to their schools as long as they do not receive the permit to go to the city of Jerusalem. As a result, the loss of classes amounts to 3,910 daily, that is a monthly loss of 14,000 teaching periods.
>
> "In an attempt to rectify this situation, a number of people have had recourse to private arrangements through additional classes or have even asked the students to join temporary classes outside the area of Jerusalem at the teachers' houses. But this also has been prohibited by the Israeli authorities.
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> "University education has also suffered, perhaps even more because faculties have been stormed by the occupation authorities. I can cite examples. The occupation authorities have expelled and deported the male and female students from the West Bank and the Gaza Strip studying at university in Jerusalem. The Israeli authorities have prevented the students from the Gaza Strip who study in the West Bank from reaching their universities. Also, the Israeli authorities have closed the Faculty of Islamic Studies for a period of six months. They have closed down the Faculty of Theology and Islamic Law. They damaged the equipment of the Faculty of Science and Technology affiliated to the University of Jerusalem and finally closed it down." (Mr. Abdel Rahman Abu Arafeh, witness no. 10, A/AC.145/RT.694)

493. Testimonies on the restrictions to the right to freedom of education may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh), A/AC.145/RT.697/Add.1 (Mr. Hamdi Shaqqura) and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

494. On 1 April 1996, some 3,000 Palestinian students from Bir Zeit University staged a demonstration in protest against the raid by the Palestinian police on the Al-Najah University and the arrest by IDF troops of Gazan students of Bir Zeit University. At the end of the demonstration, some 300 students marched in the direction of the Halamish settlement and threw stones at Israeli vehicles. IDF soldiers responded by using tear-gas and firing in the air. Five border policemen and a soldier were injured during the clash. Three students were injured by tear-gas inhalation. (Ha'aretz, 2 April)

495. On 3 April, Gazan students studying in the West Bank and representatives of the Palestinian Authority held a joint press conference to protest against the continuation of the closure and the decision of the Israeli authorities to prevent students from returning to their studies. Some 1,200 students from Gaza were studying in higher education institutions in the West Bank. Approximately 700 students who had returned to their homes for the Id al-Fitr holidays were prevented from returning to the West Bank since the imposition of a closure on 13 February and the bomb attacks on 25 February. Those who remained in the West Bank in contravention of an order issued by Maj.-Gen. Ilan Biran to return to the Gaza Strip were apprehended during an army raid on 28 March and sent back to the Strip or placed under arrest. Although the students were offered to complete their studies temporarily in educational institutions in the Gaza Strip, they rejected the proposal on the grounds that its acceptance would amount to a capitulation to Israel's policy. A spokesman for the Students' Executive Committee complained that the question of Palestinian students had become an item in the negotiations and that Israel did not recognize in principle the right of Palestinians to study at the educational institution of their choice. Arafat's Adviser for Cultural and Educational Affairs repeated during the conference previous allegations made by the Palestinian Authority that the closure in general and the attitude towards Palestinian students in particular constituted an all-out war against the Palestinian people. "The aim of the Israelis", he observed, "is to prevent our people from studying." Hundreds of Gazan students were said to have lost at least one semester during the previous two academic years and were likely also to lose the current spring semester. (Ha'aretz, 5 April)

496. On 9 April, the IDF broke up by force a violent demonstration at the Hebron Islamic College after Palestinian students tried to break their way into the College, which was closed after the recent suicide bombings on the grounds that it constituted a hotbed of Islamic fundamentalism. The army declared the area around the College a closed military zone and arrested five Palestinians for violating the closure order. Five other students were slightly injured during the clash. Hebron residents reported that IDF troops kicked and hit students who attempted to force their way into the locked campus. Mr. Nabil Ja'abry, the college president, told Reuters that one soldier had placed his gun against his shirt and pushed him with it when he wanted to speak to the soldiers in order to calm the situation. (Ha'aretz, Jerusalem Post, 11 April)

497. On 9 April, students of Hebron University held a protest in order to demand its reopening. The University had been closed on 5 March for a period of six months by the Israeli authorities. Several students were wounded, while others

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were arrested when the IDF intervened to disperse the protesters. Students also held protests in Abu Dis against the closure of the University on 5 April. (The Jerusalem Times, 12 April)

498. On 20 June, some 80 students from the Gaza Strip enrolled at higher education institutions in the West Bank staged a demonstration in front of the Palestinian Council offices in Gaza against Israel's closure policy, which prevented them from returning to their studies. One protester stated that students caught at an IDF roadblock near Bir Zeit University had been detained and subjected to humiliating treatment. Some 1,300 students from the Gaza Strip are enrolled in higher education institutions in the West Bank. Following the wave of attacks in February, they received an injunction ordering them to return to their homes. (Ha'aretz, 21 June)

499. On 7 July, some 100 Palestinian students from the Gaza Strip staged a demonstration on the Palestinian side of the Erez checkpoint in order to protest against Israel's decision not to allow hundreds of students to leave the Gaza Strip for studies in the West Bank and Jordan. (Ha'aretz, 7 and 8 July)

500. On 25 August, the Ministerial Committee on Jerusalem held a special meeting to discuss measures to halt the Palestinian Authority's growing influence in schools in East Jerusalem. The Committee, headed by Prime Minister Netanyahu, instructed the Mayor of Jerusalem and the Education Minister, Zevulun Hammer, to draft a specific plan to counter the Palestinian Authority's attempt to take over schools in East Jerusalem. Mr. Olmert informed the Committee that the Municipality was already placing stickers over the Palestinian Authority emblem appearing on textbooks distributed to pupils in East Jerusalem, as had been done the year before. (Jerusalem Post, 26 August)

501. On 2 September, Jerusalem Mayor Ehud Olmert threatened to put an end to the relative autonomy given to Arab schools should the Palestinian Authority continue to try to take control of them. Mr. Olmert made his statement while visiting the A-Tur Girls' Junior High School to mark the opening of the academic year for Arab schools in the City. Mr. Olmert told teachers at the school that he was committed to equal funding for Arab and Jewish schools. City officials admitted, however, that this was not always the case. The municipal official in charge of the computer programme disclosed, for example, that out of the 3,000 computers installed in the City's schools over the previous three years, only 300 went to Arab schools. He pointed out that this was far less than what the schools needed if the computers had been distributed according to the number of pupils. The official stated that poor physical conditions in numerous Arab schools meant that they did not meet the criteria for receiving computers and added that at many Arab schools there was simply no space for computers because of overcrowding. Some 40,000 Arab pupils reportedly studied in East Jerusalem: some 24,000 attended public schools, which were supervised by the Municipality and the Education Ministry, while the rest were enrolled in private Christian and Muslim schools which were largely independent of Israeli authority. (Jerusalem Post, 3 September)

502. On 9 September, the Board of Trustees of Hebron University and two of the University's students appealed to the High Court of Justice against a decision by OC IDF troops in Judea and Samaria (West Bank) to extend the closure order

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against the University. Former OC Central Command Ilan Biran issued a six-month closure order against the University on the grounds that illegal activities, which risked compromising security in the area and threatened IDF soldiers, were being carried out there. The closure order, which was issued following a wave of attacks in February and March, was due to expire on 5 September. On 4 September, however, OC IDF troops in Judea and Samaria (West Bank) announced that he was extending the closure by 14 days and was considering a further six-month extension. The petitioners claimed that the University directors had met with the Military Governor of Hebron in August and had been promised that there was no intention to extend the closure order. They therefore announced the beginning of the academic year and accepted new students. According to the petitioners, the closure order adversely affected the University's 1,800 students and the livelihood of its 140 lecturers and research workers. They claimed that the order had been issued without sufficient factual basis proving the existence of a security danger that justified such a drastic measure. (Ha'aretz, 10 September)

(c) Freedom of religion

Oral evidence

503. A witness from Jerusalem described the difficulties faced by worshippers as a result of the restrictions regarding the freedom of movement:

> "Regarding religious matters, it is known to everybody that in Jerusalem there are some of the most sacred places for both Muslims and Christians. But the Muslim and the Christian Palestinian citizens of the West Bank and of the Gaza Strip are not allowed to perform their religious rites in the Al-Aqsa Mosque or in the Church of the Holy Sepulchre. At the same time, the Israeli authorities have imposed specific measures such as curfews and the closure of streets when there is a Jewish religious celebration. So curfews are imposed to allow a few hundred Jews to perform their religious rites, whereas, for the most trivial reasons, Israel prevents hundreds of thousands of Muslims and Christians from performing their own religious rites and prayers.
>
> "Also, many places of worship have been stormed and closed, or searched and their belongings tampered with, including the religious books. Many custodians of the places of worship have been questioned.
>
> "The Christian Palestinians have now been deprived for the fourth year running of participating in the religious festivities in the City of Jerusalem. About 45,000 Christian inhabitants of Ramallah and Bethlehem were not allowed to participate in this year's Easter festivities in Jerusalem." (Mr. Abdel Rahman Abu Arafeh, witness No. 10, A/AC.145/RT.694)

504. Testimonies on the restrictions to the right to freedom of religion may be found in document A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh).

Written information

505. On 5 April (Good Friday), thousands of pilgrims from all over the world marched along the Via Dolorosa to the Holy Sepulchre in the Old City of Jerusalem. Two days later, Western churches celebrated Easter. Hundreds of residents of Bethlehem were not allowed, however, to take part in the religious ceremonies because of the closure. (Ha'aretz, 7 April)

506. On 8 April, some 90 Jewish settlers were allowed to enter the courtyards of the Holy Compound of the Al-Aqsa Mosque for Passover prayers. The settlers, believed to be members of the Zealots of the Temple Mount group, entered the compound under heavy police protection. The Israeli police stated that it had arrested 15 extremists, all of whom were members of the Hay Vekayam group, when they tried to enter the compound with an Israeli flag in their hands. (The Jerusalem Times, 12 April)

507. On 26 April, a report by the International Solidarity Institute for Human Rights showed that there had been more desecrations of Islamic sites during the month of March 1996 in zones B and C than at any other time since the signing of the Oslo Accords in 1993. These zones are under Israeli control. The report also mentioned that more than 54 raids on the Al-Aqsa Mosque had been carried out since January 1995. Most of the raids were carried out by Jewish extremists who sought to perform prayers inside the grounds of the Holy Compound. The Institute also reported some 220 raids by Israeli forces against mosques in the West Bank. About 35 mosques were closed. (The Jerusalem Times, 26 April)

508. On 2 May, it was reported that Prime Minister Shimon Peres had declared in a newspaper interview that the Cave of the Patriarchs (Ibrahimi Mosque) would continue to remain under Israeli control in any final settlement with the Palestinians who, he stated, would have to live with the fact. (Ha'aretz, 2 May)

509. On 14 May, it was reported that OC Central Command had ordered the closing of two mosques in Judea and Samaria (West Bank) after inflammatory leaflets were discovered in them. One of the mosques was in Al-Ram, near Jerusalem, while the other was located in Kablan, in the Nablus area. A spokesman for the Judea and Samaria Division of the Office of the Coordinator of the Government's Activities in the Territories stated that the closure of the mosques was part of an ongoing operation to fight Hamas and other radical Islamic organizations in the territories. (Jerusalem Post, 14 May)

510. On 10 June, the IDF installed a military guardpost at the entrance to the Ibrahimi Mosque in Hebron. Waqf officials lodged a complaint with the Israeli Civil Administration against the installation of electronic counters to record the number of Muslim worshippers going in and out of the Mosque. (The Jerusalem Times, 14 June)

511. On 20 June 1996, the Mufti of Jerusalem appointed by the Palestinian Authority and the Palestinian Authority Minister for Religious Affairs claimed that the Government was planning to allow Jews to worship on the Temple Mount. They stated that, according to the plan, there would be a weekly schedule for Jewish and Muslim worship on the Temple Mount, similar to the arrangements at

the Cave of the Patriarchs (Ibrahimi Mosque) in Hebron. A senior official of the Jerusalem Municipality stated that the accusation was unfounded and accused the officials of trying to incite Muslims by making such allegations. (Jerusalem Post, 21 June)

512. On 1 July, the IDF spokesman announced that the Cave of the Patriarchs (Ibrahimi Mosque) would be closed to both Jews and Arabs for a number of days as at 7 July. He stated that the temporary closure was a routine measure taken every four months in order to enable the forces guarding the site to carry out repairs and training exercises. (Jerusalem Post, 2 July)

513. On 7 July, the Israeli authorities decided to close down the Ibrahimi Mosque in Hebron until further notice, citing security reasons. (The Jerusalem Times, 12 July)

514. On 10 July, it was reported that the head of the Hay Vekayam group had presented to the Jerusalem Magistrate's Court a letter by Prime Minister Netanyahu stating that Jews should be allowed to pray at the Temple Mount despite Muslim opposition. The leader presented the letter, sent to him by Netanyahu in response to a query at a preliminary hearing of his trial for allegedly attacking policemen who tried to remove him from the Temple Mount when he attempted to pray there in September. "I read your letter with interest", Mr. Netanyahu wrote in March 1995, "The right of the Jewish people to its holy place - The Temple Mount - cannot be questioned and I believe it is necessary to arrange for Jewish prayer at the site, especially given the fact that we allow freedom of worship to all religions in Jerusalem". Jewish worship had been forbidden at the site since 1967, on the grounds that it would incite Muslims who worship at the Al-Aqsa and Dome of the Rock Mosques. (Jerusalem Post, 10 July)

515. On 11 July, Member of the Knesset (MK) Hanan Porat (National Religious Party) claimed that Justice Minister Ya'acov Ne'eman had expressed support for permitting Jewish worship at the Temple Mount and had vowed that his Ministry would provide the legal support for the initiative. In a related development, a Jerusalem District Court judge stated at an international seminar on Jewish law in Jerusalem that preventing Jews from praying on the Temple Mount constituted a violation of civil rights and an infringement of the Basic Law: Human Dignity and Freedom. (Jerusalem Post, 12 July)

516. On 19 July, the officials of the Islamic Waqf in Hebron complained that settlers had on three occasions during the previous week cut the cables of the loudspeakers attached to the minarets of the Ibrahimi Mosque. (The Jerusalem Times, 19 July)

517. On 25 July, the Jerusalem police allowed Temple Mount Faithful activists to enter the Temple Mount area in couples and with a police escort. As the police allowed the activists to enter the Temple Mount compound, other activists who were waiting nearby tried to force their way onto the Mount. Members of the Palestinian Council who arrived on the scene and the director of the Waqf condemned the police decision to allow the activists onto the Mount. The World Islamic Congress, which convened in Cairo with the participation of the Mufti of Jerusalem and of the Palestinian Authority Minister of Religious Affairs, also

condemned the decision of the Israeli authorities to allow Jewish worshippers onto the Temple Mount. The Orient House spokesman stated that the decision was a provocation against Muslims throughout the world. In another incident, the police evacuated a group of Jewish worshippers who were praying on the roof of a border police building overlooking the Temple Mount. The commotion on the roof attracted the attention of Muslim worshippers who gathered near the building and shouted "Allahu Akbar". In another incident that occurred shortly thereafter, 11 Hay Vekayam activists also tried to force their way onto the Temple Mount in order to pray there. Police forces stationed at the site stopped the activists, who were taken for questioning. (Ha'aretz, 26 July)

518. On 29 July, the Palestinian Authority's Ministry of Tourism and Antiquities denounced the excavations being carried out on Mount Gerizim near Nablus by the Israeli Department of Antiquities. Some 20 Muslim graves had been desecrated near the shrine of Sheikh Ghanem the Jerusalemite. The excavations were being carried out in secret. (The Jerusalem Times, 2 August)

519. On 30 July, the Israeli Minister of Internal Security, Avigdor Kahalani, declared that the Israeli police had coordinated plans with the Islamic Waqf to implement a decision by the Israeli High Court allowing Jews into the Al-Aqsa Mosque. The Director-General of the Islamic Waqf, Adnan Husseini, denied that the Waqf had made such an arrangement with the Israeli police. Referring to the issue of jurisdiction over the Western Wall, Husseini insisted that it was an integral part of the Al-Aqsa Mosque compound and that the necessary repairs would be carried out by Muslims. (The Jerusalem Times, 2 August)

520. On 18 August, the Jerusalem Municipality issued a work stoppage order against the Coptic Church in the Old City for an addition that it was building without a permit. It was reported that if the Church did not halt the work, the Municipality was considering issuing a demolition order. (Jerusalem Post, 21 August)

521. On 30 August, some 2,500 police and border police were stationed in East Jerusalem, mostly around the Old City, and roadblocks were set up at the major intersections in order to prevent the Palestinian residents of the territories from entering the Temple Mount for the Friday prayers. The operation followed a call by Palestinian Authority Chairman Yasser Arafat for a massive turnout to protest against Israel's positions regarding the peace process and Jerusalem. Both Palestinian and Israeli sources estimated that only about 15,000 Palestinians attended the afternoon prayers on Friday. On an average Friday, between 20,000 and 25,000 worshippers attend prayers. More than 100,000 Muslims were originally expected to heed Arafat's call. The Mufti of Jerusalem and Palestine claimed that in the long history of Jerusalem, there had been no precedent to such a siege, which, he stated, was meant to prevent Muslims from praying at their holy site. The Mufti declared that Jerusalem had been reconquered and that the operation was not motivated by security considerations but was a demonstration of strength aimed at reducing the Arab and Muslim presence in the City. The Mufti indicated further that given the measures taken by the Israeli Government, the number of Muslim worshippers was high. Police chief Arye Amit denied, however, that the tightened closure and security at checkpoints was aimed at reducing the size of the crowd at the Al-Aqsa Mosque,

stating that any Palestinian with a permit was allowed to enter Jerusalem. (Ha'aretz, Jerusalem Post, 1 September)

522. On 6 September, the Jerusalem Municipality spokesman announced that the Municipality had issued an injunction ordering the cessation of large-scale renovation work being carried out on the Temple Mount without a building permit and in violation of a court order. In response to the injunction, the Waqf director Adnan Husseini stated that the Al-Aqsa Mosque was beyond the Municipality's sphere of jurisdiction and that Waqf officials did not need its permission to carry out renovations at the site. Mr. Husseini described the Municipality's action as a provocation and pointed out that as far as Palestinians were concerned, the Al-Aqsa Mosque represented a "red line" and that non-Muslims had no right to oversee what was being done in Muslim holy places. He stated the Waqf would not appeal against the court order obtained by the Municipality. (Ha'aretz, Jerusalem Post, 8 September)

(d) Freedom of expression

Oral evidence

523. A witness spoke to the Special Committee about the freedom of expression:

> "Well, I could be stopped from talking to them by the Israeli soldiers. I have spoken myself to Israeli journalists. If the answers given by the Palestinian workers seem to be favourable to Israel or to the Israeli policy, then that would be broadcast and everybody would hear about it. If it is not in the interest of the Israelis to publish or to broadcast the statement, then it is not." (Anonymous witness No. 6, A/AC.145/RT.691)

524. Testimony on the restrictions to the right to freedom of expression may be found in document A/AC.145/RT.691 (anonymous witness).

Written information

525. On 9 April 1996, two Palestinian television photographers complained to the IDF spokesman that they had been hit and their cameras broken by IDF soldiers during a violent demonstration in Hebron in protest against the closure of the town's Islamic College. Journalists who were on the scene are also said to have been forcibly dispersed by soldiers. (Ha'aretz, 11 April)

526. On 17 April, the Jerusalem police prevented the Palestinian Prisoners' Association from holding a conference at the Palestinian National Theatre in East Jerusalem to mark the Palestinian Prisoners' Day, allegedly on the grounds that the conference was to be held on behalf of the Palestinian Authority. The head of the Association rejected the claim stating that his Association was not affiliated with the Palestinian Authority and that the conference was meant to express support for the thousands of Palestinians who were detained in Israeli prisons. (Ha'aretz, 18 April)

527. On 25 April, it was reported that numerous Palestinian journalists from the West Bank and East Jerusalem had not been able to attend the opening session of

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the Palestinian Council in Gaza because of delays in the granting of travel papers by the security authorities. Only 4 out of 39 journalists from East Jerusalem who had applied for permits had received permits several hours before the opening session on 22 April. The Office of the Coordinator of the Government's Activities in the Territories finally issued permits to all the journalists, except for two who were denied permits on security grounds, at around 11 p.m. on 22 April. The Office reported that the delay was due to technical difficulties only. (Ha'aretz, 25 April)

528. On 14 May, it was reported that Israel had agreed to issue entry permits to 50 Palestinian journalists provided that they were accredited by the Government Press Office. The spokesman for the Coordinator of the Government's Activities in the Territories indicated that 50 out of some 160 accredited Palestinian journalists were employed by Israeli and foreign news agencies. (Jerusalem Post, 14 May)

529. On 19 May, some 50 Palestinian journalists who had been given permits to enter Jerusalem to cover the Israeli elections were arrested at the main checkpoint between Jerusalem and Ramallah. Several journalists were held for a period of 48 hours before being released. (The Jerusalem Times, 24 May)

530. On 10 July, an Arab press photographer who was filming violent clashes between Palestinians and IDF soldiers in Hebron charged that a border police officer beat him violently all over his body after he had refused to hand over his camera. Following the incident, the photographer was taken for interrogation at the Hebron police station for allegedly attacking a border policeman. He was released on bail later in the day. A spokesman for the Judea and Samaria (West Bank) district police confirmed that the photographer had been taken in for interrogation. According to the spokesman, the photographer had prevented border policemen from carrying out their duties and had ignored a warning stating that the area was a closed military zone. He indicated that a file against the photographer would be submitted to the Military Prosecutor. (Ha'aretz, 11 July)

531. On 8 August, it was reported that a compromise had been reached between the Internal Security Minister and Palestinian Authority Council member Hattem Abdel Khader that would allow the latter to continue maintaining an office in his East Jerusalem home. The compromise defused the tension between the Palestinian Authority and the Government following its decision to close the office on the grounds that it violated the peace accords, which prohibited Palestinian Authority activities in Jerusalem. The compromise agreement took the form of a letter from Mr. Khader to the Security Minister stating that the office in his home was not connected with the Palestinian Authority or its Council but was merely his private office. A senior Security Ministry official stated that Israel would continue to observe Mr. Khader carefully in order to ensure that he did not violate the ban on Palestinian Authority activities in Jerusalem. (Jerusalem Post, 8 August)

532. On 8 August, dozens of Palestinian journalists from the West Bank staged a demonstration in front of the Al-Ram checkpoint north of Jerusalem to protest against the continued closure policy and the ban on their entry into Israel. Members of the Palestinian Council who were on their way to Ramallah stopped at

the roadblock to express their support for the journalists. The Chairman of the Palestinian Journalists' Association, Na'im Tubasi, was detained for several hours by border policemen. It was expected that a charge sheet would be filed against him for "inciting protesters to enter a closed zone". Mr. Tubasi, a resident of Ramallah, had been prevented from going to the Palestinian Journalists' Association offices in East Jerusalem for six months. "I fail to understand", stated Mr. Tubasi, "how, during a period that is supposed to be one of peace, journalists are prevented from entering Jerusalem while they were allowed to do so during the intifada". (Ha'aretz, 9 August)

533. On 9 August, Prime Minister Netanyahu announced that he would not move forward in the peace talks unless the Palestinian Authority closed its offices in Jerusalem. Mr. Netanyahu also criticized the Internal Security Minister for the compromise reached with Palestinian Authority Council member Hattem Abdel Khader. He stated that he had issued an unequivocal directive to the Internal Security Minister to close the office of Hattem Khader in his home in Jerusalem and that he demanded that the directive be carried out. (Jerusalem Post, 11 August; Ha'aretz, 14 August)

534. On 12 August, Prime Minister Netanyahu met with representatives of the Arab press in Israel and the territories and pledged that all the difficulties that prevented Palestinian journalists from the autonomous areas from entering Israel and moving between the West Bank, Gaza and Jerusalem would soon be solved. (Ha'aretz, 13 August)

535. On 23 August, it was reported that members of the Palestinian Journalists' Association in Gaza had refused to meet with delegations from Israel, including Israeli journalists, in order to protest against the ban imposed by the Israeli authorities on the entry of Palestinian journalists into Israel. (Ha'aretz, 23 August)

536. On 25 August, government sources stated that the Palestinian Authority had informed the Government that it had met the demand - one of several indicated by Israel as a condition for advancing the peace process - to close three Palestinian Authority-affiliated offices in East Jerusalem. The offices were: the Palestinian Geography Centre, the Palestinian Vocational Centre and the Sports and Youth Department. (Ha'aretz, Jerusalem Post, 26 August)

3. Information on settlers' activities affecting the civilian population

Oral evidence

537. The representative of Al-Haq drew the Special Committee's attention to settler violence, especially in Jerusalem and Hebron:

> "Now, I would like to mention the violence on the part of the Israeli settlers against the Palestinian people. Such violence has been going on for quite some time in Jerusalem and Hebron particularly, because both are still under occupation and settlements are located within the two cities.

Numerous cases of attacks, of harsh beatings and sometimes of murders have taken place in the city of Hebron on the part of settlers.

"The basic reason is to provoke the Palestinian families living there and expel them from Jerusalem and Hebron.

"Palestinian residents of both cities cannot move freely in the streets after six or seven in the evening for fear of settlers' provocations. That is a kind of night curfew." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

538. Accounts of the effects of settlers' activities affecting the civilian population may be found in document A/AC.145/RT.698. (Mrs. Nina Atallah)

Written information

539. On 12 April 1996, it was reported that settlement organizations had recently forged papers regarding title deeds to land in the northern part of Jerusalem. Among the localities concerned are Bido, Beit Ijza, Jib, Nabi Samuel and Beit Sureik. In another development, the same settlement organizations succeeded in forging and buying up the title deeds to lands in the southern part of the City. The land, located near the Gilo settlement, belongs to Palestinians living abroad, mainly in Chile. (The Jerusalem Times, 12 April)

540. On 26 April, Jewish settlers are reported to have seized property in the Old City of Jerusalem belonging to a Palestinian resident, Ibrahim Tutunji. (The Jerusalem Times, 26 April)

541. On 1 May, some 20 settlers from Hebron went to the town casbah to protest against the stabbing of an elderly settler there. The settlers turned over fruit and vegetable stalls and shouted insults at Palestinians. (Ha'aretz, Jerusalem Post, 2 May)

542. On 7 May, it was reported that the settlers' Road Safety Committee, which had many Kach members among its activists, was posting patrols on the road linking Halhul to Hebron. The patrols also entered Hebron. (Ha'aretz, 7 May)

543. On 10 May, it was reported that Jewish settlers continued to build new houses in Beit Romino, a settlement quarter in Hebron's Old City. (The Jerusalem Times, 10 May)

544. On 11 May, a 40-year-old Palestinian woman from Hebron was slightly injured when stones were thrown at her from Beit Hadassa in Hebron. The woman, who was accompanied by two of her children at the time of the incident, lost consciousness and was transferred to a hospital in town. (Ha'aretz, 12 May)

545. On 5 June, thousands of settlers sang and danced in Hebron to celebrate the victory of Prime Minister-elect Benjamin Netanyahu. A message from Mr. Netanyahu was read at the rally, which was held in the courtyard outside the Cave of the Patriarchs (Ibrahimi Mosque). "Settlers of Hebron, city of our forefathers, I share in your joy, but unfortunately, am unable to be with you", the statement read, "I am full of appreciation for your Zionist and pioneering

work, which continues the Jewish presence in the oldest Jewish city in the world. Be strong and brave". Meanwhile, Palestinians charged that settlers, emboldened by Netanyahu's victory, had demolished the walls of a number of houses in the Old City of Hebron. Part of the complex of the Turkish baths in Hebron, which they claimed was Jewish property, which belonged to the Islamic Waqf department, was also demolished. Earlier in the week, settlers paraded through the streets of Hebron chanting anti-Arab slogans. Salah Natshe, the director of the Hebron Waqf, was quoted as stating that it had not been a week since Netanyahu's election victory and the settlers were already trying to expand their settlement. (Jerusalem Post, 6 June; also referred to in The Jerusalem Times, 7 June)

546. On 7 June, it was reported that Jewish settlers from the Ariel settlement near Salfit had erected a barbed wire fence around a piece of land in Wadi Abdul-Rahman, estimated to cover 250 acres, in order to attach it to the settlement's borders. The villagers went immediately to the Ariel police station to file a complaint against the settlers but were not allowed to enter. (The Jerusalem Times, 7 June)

547. On 10 June, it was reported that settlement leaders had expressed anger over a cornerstone laying ceremony for a $16-million Palestinian flour mill that was to be built on "state-owned land" near the main road leading to Gush Katif. The head of the Gush Katif Local Council declared that the settlement council would work with the government authorities in order to stop the construction of the mill. The spokesman for the Council stated that the Palestinian Authority had chosen to construct the mill in the area in order to prove its sovereignty over land near the settlements. (Jerusalem Post, 10 June)

548. On 11 June, Israeli settlers opened fire at a bus near the Al Aroub refugee camp south of Hebron. No one was injured. The settlers had been waiting in ambush at a dangerous curve on the main Jerusalem-Hebron road. (The Jerusalem Times, 14 June)

549. On 14 June, it was reported that several houses in the Silwan suburb of Jerusalem had been attacked by Israeli settlers. This followed a statement made by the Israeli Prime Minister-elect, Benjamin Netanyahu, supporting the settlers in their efforts to take over the Silwan district. (The Jerusalem Times, 14 June)

550. On 18 June, settlers converged on to the site of the Abraham Bath, an ancient Islamic site in the town of Hebron. (The Jerusalem Times, 21 June)

551. On 19 June, Palestinian villagers living near Israeli settlements in the northern part of the West Bank complained about a herd of wild animals that was roaming through their fields. The animals, identified as wolves, wild dogs and wild pigs, were believed to have been set free on purpose by settlers from the Alon Morieh settlement in order to damage the vegetables and crops grown around the villages of Beit Djinn and Salem in the Nablus area. (The Jerusalem Times, 21 June)

552. On 27 and 28 June, dozens of settlers from Netzarim (Gaza Strip) blocked the road in the vicinity of their settlement in order to protest against the

army's decision to allow Palestinians to travel on it. The road, which passes some 20 metres from the settlement, had been closed to Palestinian traffic since a suicide bombing took place there in November 1994. On 26 June, the IDF decided to reopen the road in a limited manner - to Palestinian Authority President Yasser Arafat and Palestinian policemen who were on their way to their regular work. Following a confrontation with the settlers, the army declared the area a closed military zone. (Ha'aretz, Jerusalem Post, 28 and 30 June)

553. On 1 July, it was reported that the tyres of some 30 Palestinian-owned cars had been slashed in central Hebron during the night and that although there were no eyewitnesses, Palestinians assumed that it was the work of settlers aimed at increasing tension in the town and reducing the chances of an IDF withdrawal. (Jerusalem Post, 1 July)

554. On 5 July, it was reported that settlers from the Maaleh Amos settlement had attacked members of the family of Odeh Ali Rashaideh from the nearby Bedouin encampment of the Rashaideh Arabs, south-east of Bethlehem. According to the 70-year-old Rashaideh, five settlers had struck him and members of his family with the butts of their guns, fired at their sheep and killed the sheepdog. The settlers then threatened that they would kill them if they came to the field again. (The Jerusalem Times, 5 July)

555. On 9 July, two Palestinian boys from Zboubeh village near Jenin were taken to hospital after they were violently attacked by two settlers from the Givat Or settlement. Mohammed Karkoush, 12, and his brother Mohannad, 10, were abducted and taken to a field where they were tied up, beaten with iron bars and burned with cigarettes. After stripping them naked, the settlers poured paint on them before setting them free. (The Jerusalem Times, 12 July)

556. On 14 July, the IDF announced that the Palestinian police would again be allowed to use the Netzarim road (Gaza Strip) every few hours, provided that their passage was coordinated beforehand and carried out under IDF escort. An army statement added, however, that Palestinian VIPs were still barred from travelling on the road. The road, which had been closed since the November 1994 suicide bombing in which three soldiers were killed, was scheduled to be reopened on 27 June. It was blocked by the residents of the nearby Netzarim settlements who vowed they would never allow Palestinians to use the road again. (Jerusalem Post, 15 July)

557. On 17 July, Defence Minister Yitzhak Mordechai met with settlement leaders and, according to the latter, promised to set up civil guard units in Judea and Samaria (West Bank) and help them coordinate their activities with the IDF. The members of the Council of Jewish Settlements in Judea, Samaria and Gaza also asked the Government to continue paving bypass roads, to cancel the previous Government's decision to freeze construction in the territories and to authorize the sale of empty apartments in settlements. The Defence Ministry spokesman stated that the atmosphere during the meeting was positive, but denied that the Minister had made any commitments with respect to the civil guard unit or any of the settlers' other requests. (Jerusalem Post, 18 July)

558. On 19 July, a violent confrontation broke out between settlers and Palestinians near the Shilo settlement in the West Bank. The incident occurred

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when some 100 residents of Karyut village who had been joined by activists from the Land Protection Committee set out from their village on a protest march against the expansion of the nearby Shilo settlement. The residents claimed that the settlers had taken possession of 1,500 dunums of their agricultural land two months earlier, fenced it off and turned it into an apple orchard. Once they reached the disputed land, the protesters tore down the fence and attached to it Palestinian flags and banners reading "Netanyahu stop land confiscation" and "No Peace with Settlements". They also set fire to grass, uprooted seedlings and tore out the orchard irrigation system. A group of 30 settlers arrived on the scene and attacked the Palestinians with stakes and iron bars and fired in the air. An 80-year-old Palestinian woman was hit in the face with an iron bar and had to undergo medical treatment in a hospital in Nablus. Several other villagers were also injured in addition to three Arab photographers, two of whom were slightly injured while one was moderately injured. One of the photographers stated that they had been beaten in front of soldiers who did not intervene. The settlers also smashed the windows of vehicles belonging to the villagers and to the photographers. The confrontation continued with settlers and Palestinians throwing stones until they were dispersed by the IDF with tear-gas. The incident ended with the Palestinians fleeing to their village. (Ha'aretz, 21 July)

559. On 25 July, a group of Jewish extremists tried to break into the area of Orient House, the headquarters of the Palestinian Peace Delegation in Jerusalem. (The Jerusalem Times, 2 August)

560. On 2 August, it was reported that settlers had attacked the inhabitants of Hebron and destroyed their property during the days following the Beit Shemesh shooting in which three Israelis were killed. (The Jerusalem Times, 2 August)

561. On 11 August, Maj.-Gen. Shmuel Arad stated that settlers had refused to put up fences and walls around their enclave in Hebron in an attempt to prevent an IDF withdrawal from the town. The spokesman for the Hebron settlers stated that the material protection the army was offering could not be a substitute for IDF troops, which the settlers definitely wanted to remain in town. (Jerusalem Post, 12 August)

562. On 10 September, a few dozen Palestinians tried to force their way into two Palestinian-owned stores in Hebron that had been appropriated by the army for "security reasons" a few years before but were now occupied by settlers. Palestinian eyewitnesses reported that settlers had pulled down the entrance gate of one of the stores and erected a stone wall in its place. They then opened a door linking the stores to an adjacent building where Jews were living. The shop owner stated that he had no one to whom to complain, explaining that settlers had taken control of his shops and that the army was on their side. The spokesman for the Jewish settlement in Hebron denied the Arabs' claim that they were the true owners of the shops, stating that the shops were part of property that belonged to the Jewish community in Hebron prior to the 1929 massacre. (Ha'aretz, Jerusalem Post, 11 September)

563. On 13 September, it was reported that Israeli settlers had attacked four stores in Hebron near the central vegetable market, stealing their contents valued at tens of thousands of dollars. Eyewitnesses reported that the settlers

then demolished the walls of the stores and started reworking them under heavy guard by the IDF. The stores, located near the centre of the town and close to a site inhabited by Jewish settlers, had been closed following the massacre at the Ibrahimi Mosque in February 1994. (The Jerusalem Times, 13 September)

564. On 19 September, the Ateret Kohanim settlement group tried to take over an Arab building in East Jerusalem. A standoff between security guards hired by the settlement group that claimed to have purchased the building, or at least part of it, and an Arab family who claimed ownership of half the building ended with both sides being forced out of the building by the police. The police reported that the guards had hit a member of the Palestinian family when he had tried to enter the building. An attorney representing the Palestinian family stated that he had documents proving that his clients owned 50 per cent of the building and pointed out that even if the settlers owned half the building, it did not give them the right to force their way inside and take over the entire building. The attorney obtained a court order forbidding the settlers to re-enter the building until a hearing was held on the matter. However, the Jerusalem police chief issued an order also forbidding the Arab family to enter the building on "security grounds". Numerous buildings were said to have been purchased by settlement groups or to be in the process of being purchased. In the majority of cases submitted to court deliberation, settlers were acquitted and granted right of possession over the property. (Ha'aretz, Jerusalem Post, 20 September)

565. On 19 September, a group of Jewish settlers broke into a large property on the Nablus road facing the United States Consulate in East Jerusalem. The property was allegedly sold to the Jewish religious organization Ateret Kohanim by a member of the Rashed family who had converted to Judaism. The Rashed family claimed that the deal was fraudulent and that the settlers must be evacuated. Some of the family tried to get into the house but were stopped and beaten by the settlers. Issam Rashed was injured and taken to hospital for treatment. (The Jerusalem Times, 20 September)

D. Treatment of detainees

1. Measures concerning the release of detainees

Oral evidence

566. The Director-General of the Addameer Prisoners' Support Association stated the following with regard to the release of Palestinian prisoners:

> "In short, we had expected that the Israeli-Palestinian Agreement would have a positive effect on the situation of the detainees, particularly concerning their release (in compliance with the Geneva Agreement that Israel has signed and which states that persons who have been presented to court, or those accused, should be handed over to the local authorities in the autonomous areas). Israel has not complied with this Agreement, nor has it complied (as stated by the special Palestinian negotiator in charge of the question of the release of Palestinian prisoners, Hishem Abdelwazer) with the terms of the signed Agreement

regarding the groups of prisoners who had to be released from Israeli prisons.

"We had hoped also that the Agreement would not only positively affect the release of the prisoners, but would improve the living conditions of the prisoners, pending their release. However, the result is the reverse. The situation for prisoners and detainees has continued to deteriorate.

"Until February 1996, the number of detainees did not exceed 3,500. After February 1996, arbitrary and collective arrests took place and, according to Israeli security sources, 5,000 Palestinians have been arrested by the month of May 1996. The total number of detainees has risen from 3,500 to 8,500.

"In the meantime, let me tell you, some of those who had been arrested and detained have been released, whereas others have been submitted to administrative detention procedures. Because of the fact that owing to the closures, the lawyers working for non-governmental organizations helping detainees have been unable to work, we cannot give you very precise figures. The figures we give you are those indicated by the Israeli security sources." (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

567. The Director-General of the Mandela Institute for Political Prisoners provided the following information concerning the situation of the female Palestinian prisoners:

"Concerning Palestinian female prisoners, as I have said, the number of female Palestinian prisoners in Israeli prisons amounts to 36, although the peace agreement between Israel and the Palestinians clearly stipulated that all female prisoners should be released without precondition and without discrimination. The Israeli side refused to release six of the female detainees, namely, Rola Abu Dahu, Lamia Maruf, Etafeh Aliyan, Zahra Karush, Abir Al-Wahidi and Enam Jaber. As a result, the remaining female prisoners refused to be released. On 15 January 1996, they announced an open-ended hunger strike and threatened to set fire to themselves if the prison authorities thought of putting an end to their strike by force or to compel some to be released to the exclusion of others." (Mr. Ahmad M. Sayyad, witness no. 18, A/AC.145/RT.696)

568. Testimonies relating to the treatment of detainees may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman) and A/AC.145/RT.696 (Mr. Ahmad M. Sayyad).

Written information

569. On 18 July 1996, President Ezer Weizman announced his decision to pardon two Palestinian female prisoners who were serving long prison terms for involvement in the killing of Israelis. The announcement came in a letter sent through Prime Minister Benjamin Netanyahu to President Hosni Mubarak of Egypt. Under the Interim Peace Accords signed with the Palestinians, Israel pledged to release all Palestinian women prisoners. Nineteen Palestinian female security

prisoners who had already been pardoned refused to be released until all women prisoners were freed. (Jerusalem Post, 19 July; Ha'aretz, 22 July)

570. On 22 July, it was reported that the OC Central Command was examining the security and legal aspects concerning the release of three Palestinian women prisoners who were serving life sentences after being convicted by military courts of involvement in the killing of Israelis. However, a final decision about their release was expected to be taken at the political level. The women, who were being held in Sharon Prison, announced that they would remain in prison until another woman prisoner whose name did not appear on any of the lists of persons stated for release was pardoned as well. (Ha'aretz, 22 July)

571. On 24 July, the High Court of Justice upheld the decision concerning the release of two female Palestinian "terrorists" who had been pardoned by President Ezer Weizman. The Court's ruling followed an appeal by the Terror Victim's Association against the President's decision. One of the prisoners was released from Neveh Tirza prison the following day after signing a document promising to refrain from "further acts of terrorism". She had served 8 years of her 12-year sentence for shooting a yeshiva student in Jerusalem in 1988. However, the second prisoner refused to be released while three other Palestinian female prisoners remained incarcerated. Some 20 other Palestinian female prisoners who were also pardoned had refused to leave their prison in solidarity with the few remaining female prisoners who had not been amnestied. (Ha'aretz, 26 July; Jerusalem Post, 25 and 26 July)

2. Other information concerning detainees

Oral evidence

572. The Special Committee received the following information concerning Palestinian detainees in Israeli prisons and detention centres from the Director-General of the Mandela Institute for Political Prisoners:

> "The statistics provided by the Mandela Institute indicate the number of detainees in prisons and in detention camps in Israel within the Green Line. It amounts to 3,300 persons.
>
> "The number of Palestinian detainees, male and female, currently in detention in Israel within the Green Line amounts to approximately 3,300, of whom 178 are Arab detainees other than Palestinian, 59 are from within the Green Line. The Israeli military authorities continue to detain a total of 36 female detainees, in obvious violation of the Israeli/Palestinian Accords. Furthermore, the Israeli authorities continue to detain a total of 140 persons under the age of 18 years. The total number of Palestinian administrative detainees amounts to 372 persons. The Israeli occupation authorities continue to segregate detainees and 120 detainees are in solitary confinement. The number of detainees who are ill and would require medical care in hospital amounts to 351."
> (Mr. Ahmad M. Sayyad, witness no. 18, A/AC.145/RT.696)

573. The Director-General of the Addameer Prisoners' Support Association described their conditions of detention:

> "After the events and massive arrests, prisons have been reported to be overcrowded. From 3,500 to 8,500 persons, you can imagine that this has resulted in overcrowding of a very acute nature in the detention places.
>
> "Now, regarding the conditions in detention, according to letters from the detainees, these conditions are harsh and ever deteriorating, be it in terms of the food given, or in terms of medical services to the detainees.
>
> "Before the signing of the Declaration of Principles, the detainees used to go on strike. Once, after a strike, the prison authorities agreed to respond to some of the claims that the detainees had submitted. After the Declaration of Principles, the Israeli prison authorities refused to honour the promises they had made, saying that the detainees would soon be released anyway. All these claims were and are connected with the living conditions in the prisons, as well as the health conditions in the prisons.
>
> "Before the Agreement, when we were in prison, we had the right to organize entertainment. Afterwards, all festivities have been cancelled. The right to stage any festivities in the detention camps or the prisons has been cancelled.
>
> "I will give you another example. Before the Agreement, every couple of weeks, I had the right to receive the visit of family members. Twice a week, I had the right to receive the visit of my lawyer. After the Agreement, it is only every two or three months that prisoners can receive visits from their family.
>
> "These are simple examples. I have a further example also. After the strikes in 1992 and 1993, Israel agreed to fulfil some of the demands made by the prisoners. But after the Agreement, it has withdrawn from its commitments, for instance, as regards allowing the prisoners to prepare the food themselves in some of the prisons. This had been one of the demands of the prisoners. Another example is the duration of the walks for the prisoners, also the right of the prisoner to get in touch with his family.
>
> "All these rights have been curtailed and the justification given by Israel, by the directors of the prisons, is that 'there is no need to improve your conditions, because you will be released'.
>
> "So, we always hear the same story from the prison authorities and the prison directors. Whenever a prisoner tries to ask for the improvement of the conditions in prison, the only reply given is that 'you don't need any improvement because you will be released'. So, actually the sole objective has been to silence the protests of the prisoners."
> (Mr. Mohamed Yousef Dahman, witness no. 1, A/AC.145/RT.690)

574. One of the complaints frequently heard regarding the conditions of detention of Palestinian prisoners is the lack of medical care:

> "There are also cases where people are extremely ill. In some cases, release orders have been issued because of the deteriorating health conditions of the detainees. For example, Abu Rifaat Neirat. He is an old man, over 70 years of age now. He spent nearly 20 years in prison. But although he has a release order because of his health situation, still the Israeli authorities refuse to release him.
>
> "Furthermore, surgery is not performed on a number of detainees who would need operations. Until February 1996, there were 40 cases of patients in a critical condition requiring operations. But the Israeli authorities and the prison authorities have not allowed these operations and have not released the sick detainees either." (Ibid.)

575. A witness who was detained at the Al-Ansar detention camp described the conditions of detention there:

> "There were around 40 to 42 people in each tent. The prisoners were not allowed to speak to prisoners of another tent. We often protested because of ill-treatment and because of the quality of the food. Sometimes our claims did receive some favourable response, but sometimes also when we objected, tear bombs would be used to disperse the prisoners.
>
> "The tents were put up in groups of five or six. We were not able to see exactly how many tents there were, because we did not have the right to communicate or even to get closer to where the other tents were. There were also barriers between these various groups of tents.
>
> "Barbed wire, guards. There were towers for the guards and also guards patrolling around the barbed wire." (Anonymous witness no. 3, A/AC.145/RT.691)

576. The restrictions imposed on the freedom of movement by the Israeli authorities have also had an adverse effect on detainees:

> "As to the effect of the last closure on the detainees, the Israeli military authorities have issued an order preventing the families of Palestinian detainees from passing the Green Line, as of 9 February 1996 until further notice.
>
> "This measure on the part of the Israeli authorities constitutes a flagrant violation of the Fourth Geneva Convention, which in article 116 obliges the occupation authority to facilitate meetings between detainees and their families.
>
> "The Israeli authorities claimed that they would implement a special programme of visits to the prisons during the Islamic feasts. But on closely observing the situation as we have done in the Mandela Institute, we found out that the Israeli authorities had accepted to implement a programme of visits for the families of the people in the Megiddo military camp on 25 April 1996, but that in fact and without giving any definite or clear reasons, the Israeli authorities prevented visits. On 15 May 1996, while a number of families of administrative detainees were to be taken by

buses to Megiddo to visit their family members, 30 people from Ramallah were told by the Israeli authorities to leave the buses and they were not allowed to go to the Megiddo detention camp, again without being given any reason.

> "The occupation authorities have issued permits for children to visit their father, only if they are between the age of three and four years and accompanied by their mother to the exclusion of anybody else. Visits by families from Gaza to their children in detention are banned, and that since the Palestine National Authority has come to power and has started exercizing its authority in the Gaza Strip." (Mr. Ahmad M. Sayyad, witness No. 18, A/AC.145/RT.696)

577. The Fieldwork Coordinator of the Gaza Centre for Rights and Law also spoke about the right of detainees to visits:

> "As for the families, they are allowed to make visits to the detainees. So, they can make arrangements for such visits through the Red Cross. However, because of the closure, areas have been closed since 25 February 1996 until the present day, that means for more than four months. All throughout this period, the detainees have not been able to see their families or receive any other visits."
> (Mr. Ibrahim Khamis Shehada, witness No. 7, A/AC.145/RT.692)

578. The same lack of access to detainees is valid for doctors and medical personnel:

> "Regarding visits of doctors and medical staff to detainees, these have not been possible since the beginning of the last closure. No visit permits have been issued to any Palestinian doctor so that he could render medical services to detainees in need of them.
>
> "Regarding the question of prisoners who are ill, all Israeli prisons and detention centres lack the minimum care facilities. There is no day-to-day medical care. Medical care is restricted to a medical nurse conducting a formal examination of the patients and prescribing a simple pill for all of them. A total of 350 detainees at least would require daily medical service in hospital, because they suffer from hypertension or hypotension, various cardiac conditions, various pulmonary problems, disorders of the gastro-intestinal tract, renal diseases. A large number of patients require psychiatric care as well." (Mr. Ahmad M. Sayyad, witness No. 18, A/AC.145/RT.696)

579. In addition to being denied family visits, detainees are also deprived of access to lawyers as a result of the closure:

> "Depriving detainees from receiving family visits was concomitant with depriving them from meeting with their lawyers, as a result of the Israeli authorities refusing to accord lawyers from the Gaza Strip and the West Bank the necessary permits to pass the Green Line. The lawyers actually allowed to pass the Green Line are only those carrying an Israeli identity card and yet, those carrying an Israeli identity card, that is to say the

> lawyers from Jerusalem with an Israeli identity card, have also met with difficulties in carrying out their visits to their clients." (Ibid.)

580. A Palestinian lawyer also provided the Special Committee with information about the current conditions of detention:

> "Since 1967 up to the middle of the uprising, some progress was made in the life of the prisoners. After struggling day after day, they succeeded in getting some advantages, like getting more food or a better health treatment, or better conditions inside the rooms or wider yards to walk around.
>
> "But all of this was lost after the redeployment. Prisons are full. Meggido has more prisoners in tents than in rooms. The food is the worst food the prisoners ever received. Every day, they have a hunger strike in the one or the other section, in the one or the other prison.
>
> "Before I left Meggido on my last visit, administrative detainees had started a hunger strike to protest against the bad food and the bad treatment.
>
> "The prisoners are constantly transferred from one prison to the other, so as to deprive them of any stability in their life. Lack of books. Lack of adequate clothing for the winter or the summer.
>
> "Instead of having 20 prisons, we today have 5 prisons and the same number of prisoners.
>
> "So, I think that those who suffer most are the prisoners." (Anonymous witness No. 8, A/AC.145/RT.693)

581. The Special Committee received the following information on administrative detention from the Director-General of the Mandela Institute:

> "Regarding administrative detention, the Israeli military authorities continue with the policy of administrative detention, that is to say detention for a period of not more than 12 months, renewable - and that without any charges being brought against the person and without bringing him to court. The authorities keep on renewing the orders for administrative detention. The total number of detainees who are currently under administrative detention amounts to 372, of whom 92 have seen their period of detention renewed more than once. Among them is Osama Barah, whose period of detention has been renewed for the seventh time running. He has been in prison now for 42 months. Ahmed Katamesh's detention has been renewed six times and he has been in prison now for 36 months. Khaled Jelaisha, whose administrative detention has been renewed for the fourth time running, has been in prison for 24 months." (Mr. Ahmad M. Sayyad, witness No. 18, A/AC.145/RT.696)

582. The Director-General of the Addameer Prisoners' Support Association also provided the Special Committee with information concerning administrative detention:

> "Coming now to the administrative detainees, persons under administrative detention, these are considered prisoners of opinion. They are not charged. No official charge is brought against them. But what usually happens is that there is a confidential report made by the Shin Beth, the Israeli Intelligence, which is submitted to the judge. The lawyer does not have access to this report. In the light of this report, the person is then put into prison. The imprisonment period of normally six months can be extended. We know of 21 persons under administrative detention whose imprisonment has been renewed for more than one period. One detainee, for example, has had his detention extended up to three years now, that is since 1993 until now. His name is Ahmed Katamesh.
>
> "The number of persons under administrative detention has risen from 161 at the beginning of the current year to over 400 now." (Mr. Mohamed Yousef Dahman, witness No. 1, A/AC.145/RT.690)

583. Mr. Fuad Issa Abu-Hamed, a B'tselem fieldworker, provided the Special Committee with background information concerning administrative detention:

> "Now, I shall deal with the subject of administrative detention, which is detention without trial. Administrative detention is regulated by regulation 111 of the Emergency Regulations, 1945. The military order stipulates that the military commander can issue the order to detain anyone for a period of up to 12 months and renew the detention period. We have statistics on administrative detentions and I shall give you a number of examples.
>
> "On 7 June 1995, the number of detainees inside Israel amounted to 5,472, of whom 198 were administrative detainees. On 27 March 1996, the total number of prisoners was 3,379, of which 324 were administrative detainees. On 12 June 1996, the total number of detainees was 3,369, of whom 387 were administrative detainees. This shows that the number of people administratively detained has increased." (Mr. Fuad Issa Abu-Hamed, witness No. 2, A/AC.145/RT.690)

584. Mr. Abu-Hamed gave the example of a 15-year-old boy who has been in administrative detention since March 1996:

> "Another example is that of a young boy of 15 years, from the refugee camp of Fawwar, in the Hebron district. He testified to me when I visited him in the Meggido prison, inside Israel, on 22 April 1996.
> Ahmad Attieh Abu Arda says that he was arrested on 3 March 1996, at 2 o'clock in the morning. The Israeli army stormed the house in a very barbaric manner. They arrested him, as well as his brother Tareq, his uncles and cousins. Ahmad Abu Arda mentions the fact that his cousin, Majdi Abu Arda, is the person who carried out the Ashkelon operation against Israeli soldiers. He goes on to say that the Israeli soldiers beat him. Then, he was detained for three days without interrogation. Afterwards, he was taken to Meggido, his arms tied up and his eyes blindfolded. On the way, he was beaten all the time. On 15 April 1996 only - that is to say five weeks later - he was given a copy of an order for administrative detention. The reason for the detention was the

following, namely, that he constituted a 'threat to the security of the region'. A doctor examined him in prison and found out that he was suffering from shortsightedness and dehydration because he was not getting enough liquid, as well as from rheumatism, and that he had to receive an injection once a month as a treatment. No treatment was ever given to this detainee in spite of all his ailments.

"Ahmad also told me that he wished I would tell his family that he was all right, but that he missed them, that he missed them very much. He also asked me to tell his family to visit him and to send him chocolate and red and black pencils. This is the way a 15-year-old child would think when being under administrative detention. He also mentioned the fact that since January 1996 - and until I came here - families of detainees from the West Bank had been unable to visit the detainees inside Israel because of the closure imposed on the occupied territories."
(Mr. Fuad Issa Abu-Hamed, witness No. 2, A/AC.145/RT.690)

585. The representative of Al-Haq also spoke to the Special Committee about administrative detention:

"Administrative detention means that a person is arrested, that a file is opened on the case and that the person is kept in detention for six months, with a possibility of renewal for another six months, without any specific accusation being brought against the person. The lawyers cannot defend the detainees because their files are considered confidential. So, the lawyers do not get access to their clients' files. The detainees are deprived of family visits. Such visits used to be organized by the International Committee of the Red Cross, but even that has stopped. As I said, some of the detainees are in a bad state of health. Even then, they are not allowed to have family visits." (Mrs. Nina Atallah, witness No. 21, A/AC.145/RT.698)

586. The Director-General of the Addameer Prisoners' Support Association described the interrogation practices to which some prisoners are subjected:

"The questioning practices have resulted in the death of more than one person, the last of them being Abdulsamat Harizat. According to the forensic examination, we found out that he died as a result of the questioning methods used, as a result of the torture during questioning. The most violent and the most cruel form of treatment is that they bring the detained person, handcuffed, with his hands behind his back and with a bag on his head, a smelly tight bag so that he can't see anything, and they make him sit on a low stool, a seat without a back. In certain cases, that could be in a corridor. Sometimes also, the person is transferred to a very cold place. This is what the detainees call the 'fridge'. Or, when it is hot, they put the person in a very hot place. All this is done not for hours, but for long days.

"Unless the prisoner comes up with the confession that the investigators want to hear, they will not release him. If he makes a confession after 24 hours, he is going to be untied after 24 hours, 48 hours, 48 hours. Therefore, the period during which the person is tied up is depending on the confession he gives to the people questioning him, the investigating officers.

"There are other forms of torture. The person, for example, is placed on the floor, is forced to lie down and the investigator would press on his chest, or on his limbs, or squeeze his genitals. You know how sensitive and how painful that could be for somebody - somebody forced on the ground - so much so that I know that there are people who confess things they have not done, just in order to have the torture stop. It is not a joke to tell you that the chief investigator found out that one person had confessed the killing of a number of persons without having the slightest connection with the killing of those people. One said that he would even confess to having killed the prophet if they would go on treating him that way and torturing him. This is something that has happened. This manner of torturing still takes place." (Mr. Mohamed Yousef Dahman, witness No. 1, A/AC.145/RT.690)

587. Mr. Dahman spoke about his own experience when he was imprisoned:

"I remember that when I was detained the last time, I had wished I had no arms, because of the excruciating pain I felt in my arms. As I say, there is also the psychological stress: for long periods of time, you remain without the ability to see, you don't know what time it is, you don't know day from night and you just hear screams from people who are being beaten. And then, you are untied for a few minutes only, just for the meals, and you are tied again. In the past, they used to untie the prisoners on Saturdays. The prisoners would remain in a cell, untied, for 12 hours and would be tied up again at the end of the Saturday. Recently, this has been stopped and the persons remain tied throughout the week, even on Saturdays. There are persons who have spent three months being tied in this manner." (Ibid.)

588. Another witness who was detained at the Al-Ansar detention camp described how some prisoners, including himself, were treated there:

"For example, they used to seize the person by the hair, kick especially sensitive parts of the body. People used to be kicked and whipped. It was very cold at Al-Ansar camp, which is on the seaside. Often people were blindfolded and had their hands tied behind their back, from 4 o'clock in the morning until 6 o'clock in the evening. For such long periods, we would be made to stand, blindfolded with our hands behind the back. Sometimes, I used to be given some respite for taking my meals, but there was no possibility of rest at all. I was always told by the people who were questioning me: 'Confess and you are going to be released.' I am telling you about what I have been exposed to, but there were other cells in the vicinity of where I was kept and I heard a lot of screaming coming out of there. In one instance, some soldiers were involved in the torturing and one of them started the procedure of squeezing the genitals, which is extremely painful, and I nearly fainted.

"I developed a stomach ulcer as a result of the punches I received on the stomach and I still suffer from it.

> "I know hundreds, hundreds of people who have suffered injury, people who have lost an eye, people who have been amputated.
>
> "Sometimes, they would wake us up in the middle of the night, like 2 o'clock in the morning, and they would take a head count of the prisoners. Three or four times during a period of 24 hours, day and night, they would take the count.
>
> "We were not allowed to sleep for a long period of time. Our sleep was interrupted. At dawn, we had to lift the edges of the tent, so that the Israelis would check that nobody was sleeping any more and that everybody had got up." (Anonymous witness No. 3, A/AC.145/RT.691)

589. Mr. Ibrahim Shehada, the fieldwork coordinator of the Gaza Centre for Rights and Law, described the "shabbah" method of torture:

> "I am now going to deal with one of the methods of torture, the shaking method, called the 'shabbah' in Arabic. It is a very violent shaking of the victim. Two days ago, the Israeli Government agreed to extend the period during which this method of torture could be used. They hold the detainee very firmly by the shoulders and keep shaking him to the right and to the left, and up and down, until the victim loses consciousness." (Mr. Ibrahim Khamis Shehada, witness No. 7, A/AC.145/RT.692)

590. A representative of Physicians for Human Rights stated the following regarding the treatment of detainees in Israeli detention centres:

> "Since the death of Abdulsamad Harizat in early 1995, the Israeli Government decided that the permission for the use of exceptional methods of interrogation should be prolonged every three months. This decision is due to the death of Harizat, which apparently resulted from those excessive interrogation methods and procedures.
>
> "Every three months, the Israeli Government votes for the prolongation of those specific orders, which remain secret. We still do not know what these exceptional methods are, but the fact is that they are prolonged every three months, thus allowing the GSS interrogators to use them without any accountability to any authority.
>
> "On the same issue actually, I can give you statistics for the past three weeks. We received 17 appeals from new detainees requesting the visit of a doctor in their prison cells." (Mrs. Natalie Rothman, witness No. 11, A/AC.145/RT.694)

591. The Special Committee received background information about interrogation methods amounting to torture that have continued to be implemented:

> "In March 1996, a high-ranking Israeli committee responsible for matters associated with the security apparatus has agreed to extend the validity of special permits concerning investigation and questioning of Palestinian detainees. The committee has accepted a request that had been

> submitted by the then Minister of Defence and Prime Minister Shimon Peres and Mr. Ami Ayalon, responsible for the Intelligence Services, to extend the validity of the permits allowing the investigators of Shabak tc utilize methods of violence and torture, including violent shaking of the detainee. This technique led to the death of Abdulsamad Harizat on 25 April 1995. Those permits are being renewed every three months. Also, a special immunity has been granted to anyone who could be questioned judicially after the death of a detainee or after permanent or temporary incapacitation of a detainee." (Mr. Ahmad M. Sayyad, witness No. 18, A/AC.145/RT.696)

592. The Special Committee was informed about the "time bomb technique" of interrogation:

> "On 11 May 1996, the Israeli newspapers indicated that there is a new type of torture applied to the Palestinians, which has been termed by the Intelligence of Israel the 'time bomb technique'. It has been described as one of the harshest ways of questioning that is allowed without the investigator being made liable or accountable.
>
> "According to statistics of the Mandela Institute, approximately 750 Palestinians are now being questioned and submitted to all methods of torture. Although the Intelligence has not explained what the 'time bomb' consists of, yet because of visits in prisons and follow-up of cases, as well as through testimonies of detainees who have been tortured recently, the Mandela Institute is in a position to say that this method of torture includes psychological and physical pressure on the detainee by way of beating, closing of the nose and mouth to cause choking until fainting, violent shaking of the body, deprivation of sleep, not allowing the detainee to utilize facilities and take his meals regularly, torturing periodically at set times, all this leading in the end to an 'explosion' on the part of the prisoner to either confess or die." (Ibid.)

593. A witness described the "justification" of torture by the Israeli authorities in the following manner:

> "The Israeli authorities, as they always do, justify the use of physical pressure and the method of violent shaking in particular by saying that there are specific cases that require such techniques, like for example in order to prevent suicide bombings and to expose such plans of suicide bombings." (Anonymous witness No. 19, A/AC.145/RT.697)

594. The representative of Physicians for Human Rights provided the following information regarding solitary confinement:

> "Israeli regulations regarding prison services include what is called the '21 regulation', which stipulates that a prisoner can be put into solitary confinement for up to eight months without the right to a hearing. Thereafter, the period of confinement could be prolonged practically indefinitely with what I would call 'technical' procedures, by bringing the case in front of a judge without any right of appeal, that is to say without the prisoner being able to appeal the judge's decision.

/...

> "We have statistics from last month saying that to date 180 prisoners and detainees are held in solitary confinement in Israeli prisons. We don't know exactly how many Palestinians are included in this number. However, we know that at least 29 Palestinians were put in the category 'posing a security threat'. We have reason to believe that the actual number of Palestinians in solitary confinement amounts to over 40." (Mrs. Natalie Rothman, witness No. 11, A/AC.145/RT.694)

595. Testimonies relating to the treatment of detainees may be found in documents A/AC.145/RT.690 (Mr. Mohamed Yousef Dahman), A/AC.145/RT.690 (Mr. Fuad Issa Abu-Hamed), A/AC.145/RT.691 (anonymous witness), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.693 (anonymous witness), A/AC.145/RT.694 (Mrs. Natalie Rothman), A/AC.145/RT.696 (Mr. Ahmad M. Sayyad), A/AC.145/RT.697 (anonymous witness), and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

596. On 5 April 1996, the Public Committee Against Torture in Israel appealed to the High Court of Justice on behalf of two security detainees from the Gaza Strip in order that it forbid the GSS from illegally subjecting them to physical and mental pressure. The Court was requested to prohibit the GSS from "shaking" the two detainees during the interrogation, from tying them to a small chair with their heads covered with a sack, from playing them loud music and preventing them from having a reasonable number of meals and sleeping hours at an acceptable frequency. The detainees, two students from Bir Zeit University who were arrested 10 days earlier, claimed that GSS interrogators had threatened to subject them to a military interrogation. One of the detainees stated that during the first four days of interrogation, he had had to wait for his interrogators sitting on a small chair with his hands tied behind his back and a sack placed on his head and that he was prevented from sleeping. During the following three days he was violently shaken by six different interrogators. The detainee also indicated that the interrogation lasted six hours every day, that he was given meals three times a day but that they were taken away after one minute and that loud music was played 24 hours a day. (Ha'aretz, 7 April)

597. On 5 April, ACRI appealed to the High Court of Justice to order hearings on the extension of detention of residents of the territories that was to be relocated from the interrogation chambers to the courts. The Court was also requested to order that lawyers from the territories be allowed to enter Israel during the closure to represent Palestinian detainees. The appeal was filed against the OC of IDF troops in the West Bank and the Gaza Strip on behalf of four residents of the territories who were detained in Kishon Prison. The detainees claimed in the appeal that they had been brought with no prior explanation to a room in the interrogation section with their hands shackled and sacks placed over their heads. The sacks were removed only once they were standing in front of an IDF officer who did not tell them that he was a judge but only informed them that their detention period had been extended. They were not given the opportunity to defend themselves or asked whether they wished to have legal representation. According to ACRI lawyer Hassan Jabarin, the IDF had rejected without explanation his request to see the judge's decision and the protocol of the hearing. He did not have any document stating when the detention was extended, for how long and when the next hearing would take place.

The appeal claimed that since the IDF withdrawal from West Bank towns in October, hundreds of Palestinian detainees had been transferred from prisons in the territories to civil and military prisons in Israel. For the extension of their detention, the detainees were brought before a military judge in the interrogation wing. On numerous occasions, however, the detainees did not understand that they were in a legal procedure regarding the extension of their detention and were therefore deprived of a real opportunity to defend themselves. Furthermore, lawyers from the territories had been unable to enter Israel since the imposition of the closure. Palestinian detainees are represented by Israeli lawyers (only in very few cases). Most of the detainees were thereby denied appropriate representation during the interrogation stage, which is of crucial importance and during which interrogators have extraordinary powers in dealing with the detainees, whose rights can be violated. In addition, lawyer Hassan Jabarin observed that hearings in the interrogation chambers also compromised the courts' independence since the military judge was considered by the detainees part of the interrogation team and not a judicial instance. (Ha'aretz, 9 April)

598. On 11 April, 15 Palestinian prisoners and five IDF soldiers were slightly injured by tear-gas inhalation during a riot in Meggido Prison. Prisoners reportedly burned mattresses and threw objects at soldiers who responded with tear-gas and riot grenades. The riot reportedly erupted in the context of an investigation by the prison authorities into the assassination of two prisoners who were suspected of collaboration. Prisoners complained that since the beginning of the investigation they had not been allowed to have a daily walk outside their cells and had been denied hot water for washing. In addition, relatives and lawyers had not been able to visit the prison for the past two months because of the closure. Attorney Leah Tzsemel who visited the prison complained that since the IDF redeployment in the West Bank, several military courts had been disbanded and numerous detainees had been waiting for their trial for long periods. In a related development, the Chairman of the Palestinian Prisoners' Association addressed an urgent appeal to PLO Chairman Yasser Arafat warning him that Israeli prisons were "like a volcano that was about to erupt". (Ha'aretz, 12 April)

599. On 11 April, the Centre for the Defence of the Individual appealed to the High Court of Justice on behalf of three Hamas activists who had been detained on suspicion of committing security offences in order that it rescind GSS orders banning the detainees from seeing a lawyer. The appeal claimed that the refusal to allow the detainees to meet with a lawyer had become an interrogation method and was meant to strengthen their feeling that they were separated from the surrounding world and that their destiny was in the hands of their interrogators. (Ha'aretz, 12 April)

600. On 12 April, it was reported that two additional Hamas detainees in Shikma Prison had appealed to the High Court of Justice to order GSS interrogators to stop torturing them during interrogation. The Court was also requested to forbid the GSS to use force against them pending a hearing of their appeals. One of the detainees, a resident of Halhul who was detained 12 days earlier, claimed that his interrogators forced him to kneel and held him for long hours in a painful position called "shabbah", that is, on a small chair whose support pressed his back, with his hands shackled behind his back and a sack on his

head. In addition, loud music was being played incessantly. The detainee claimed that his handcuffs were so tight that they caused his hands to swell. He also indicated that his interrogators prevented him from having sufficient sleep. The other detainee, a teacher from Hebron who had been arrested two weeks earlier in his school, also complained that his interrogators held him in the "shabbah" position, played him loud music and subjected him to sleep deprivation. In addition, he charged that his interrogators had warned him that unless he confessed to having committed the offences of which he was accused, they would shake him and cause him physical and mental harm. (Ha'aretz, 12 April)

601. On 17 April, the Centre for the Defence of the Individual appealed to the High Court of Justice on behalf of three additional Hamas members from Hebron in order that it forbid their torture by the GSS. One of the detainees, who had been arrested some 10 days earlier and transferred to Kishon Prison, stated that during the first three days of his detention he was placed in a completely hermetic cell. During the four days that followed he was held in the "shabbah" position, that is, placed on a 20-centimetre-high chair with a low support that pressed his back, with his hands shackled behind his back, a sack placed on his head and loud music being played without interruption. Furthermore, GSS interrogators subjected him to sleep deprivation for three consecutive days and threatened that they would drive him insane and then liquidate him, as they had done with Harizat. (Ha'aretz, 19 April)

602. On 17 April, the Israeli Minister for Internal Security, Moshe Shahal, prevented the holding in Jerusalem of a rally marking Prisoner's Day. The rally was organized by the Palestine Prisoners' Society. The Society stated that more than 1,000 Palestinians had been arrested over the past two months, many of whom have been placed in administrative detention. (The Jerusalem Times, 19 April)

603. On 21 April, the State of Israel informed the High Court of Justice that it would allow two Palestinian men who were suspected of helping to carry out the first No. 18 bus bombing in Jerusalem to meet with their lawyers. The decision came in response to petitions filed by the two men who were not allowed to meet with a lawyer since their arrest on 27 and 28 March. (Jerusalem Post, 22 April)

604. On 21 April, the High Court of Justice granted the State 45 days to draw up new rules ensuring that the remands of prisoners from the territories were extended in public hearings, in the presence of their lawyers rather than in secret. The decision came in response to a petition by ACRI, charging that remand hearings were often held secretly, in interrogation chambers of prisons and that the defendants' attorneys and family members were often not even told when and where the hearings would be held. Even when they were informed, they were often unable to attend because of the closure. The State conceded that there were problems with the current system and stated that the army Judge Advocate had henceforth ordered the military judges to hold remand hearings in public, within the prisons rather than in interrogation chambers. The State also informed the Court that it intended to allow attorneys from the territories to come to such hearings despite the closure and that family members would be allowed to attend whenever possible. (Jerusalem Post, 22 April)

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605. On 21 April, the State Attorney's office informed the High Court of Justice that the GSS had agreed to abstain from exerting force during the interrogation of eight Hamas detainees pending the hearing of their appeals. It was reported that 36 appeals by detainees had been filed over the past two months. (Ha'aretz, 23 April)

606. On 9 May, a Hamas man who was arrested a week and a half earlier appealed to the High Court of Justice against his torture by GSS interrogators. The Palestinian, from the Gaza Strip, was held in the interrogation wing of Shikma Prison. He claimed that GSS interrogators maintained him in the "shabbah" position, that is, placed on a small stool, with his hands tied behind his back and a sack placed on his head, with loud music playing in the background. He also stated that he was subjected to sleep deprivation. (Ha'aretz, 10 May)

607. On 10 May, it was reported that the Israeli authorities had decided to close down the Ansar III Prison, also known as Ketziot. The 200 prisoners would be transferred to Meggido Prison. (The Jerusalem Times, 10 May)

608. On 17 May, according to the Mandela Institute for Political Prisoners, large numbers of Palestinian prisoners had recently been transferred from Megiddo, Askalan and Ansar Prisons to the Bir Sabe Prison. (The Jerusalem Times, 17 May)

609. On 22 May, it was reported that a member of the Palestinian security forces who had claimed that he had been kidnapped by IDF soldiers from the autonomous areas had appealed to the High Court of Justice to prohibit the GSS from torturing him. The man, a resident of Bethlehem, charged that some two months earlier, he had been kidnapped by an IDF patrol while driving on the principal road of Bethlehem, which is under the Palestinian Authority's jurisdiction. The soldiers took him away in a jeep to the Gilo checkpoint where an intelligence officer explained to him that he was being taken for an identity check. The Palestinian claimed that he had been interrogated during the first five days following his arrest and was then issued a six-month administrative detention order in Meggido Prison. One and a half months later, he was taken for interrogation by a GSS to Ashkelon Prison. He claimed that he had been tortured continuously since the beginning of the interrogation. He stated that his interrogators held him in the "shabbah" position. He further indicated that the tight shackles made his legs and hands swell and bleed. He claimed that his interrogators had also placed him near an air-conditioner, which made him shiver and vomit. He stated in addition that on two occasions his interrogators had subjected him to sleep deprivation for three consecutive days. He also charged that on the fourth day of his interrogation, he had confessed to his interrogators who nevertheless continued to torture him. The appeal charged that GSS interrogators could not justify continued torture of the detainee with the argument of the "ticking bomb" since two months had already elapsed since the detainee's arrest and one week had gone by since his confession. The detainee's lawyer also charged that the security forces had continued to operate as though Israel was not committed to respecting the new arrangements and in particular the Palestinian Authority's jurisdiction over area A from which the Palestinian had been kidnapped. (Ha'aretz, 22 May)

610. On 26 May, two Hamas detainees in Shikma Prison appealed to the High Court of Justice to order the GSS to stop torturing them. One detainee, who had been arrested more than two months earlier, charged that on two occasions GSS interrogators forced him to undress and hung him naked by the hands to the cell door. The detainee further charged that he was being subjected to harsh and violent interrogation, which included forced and repeated kneeling. The second detainee, a student from Bir Zeit University who had been arrested two weeks earlier, also complained of being subjected to torture, including kneeling. He charged that when he had refused to kneel his interrogator had grabbed him by the shirt and kicked him at the point where his legs were shackled. In addition, he was prevented from going to the toilet for five hours although he suffered from a kidney disorder. (Ha'aretz, 27 May)

611. On 11 June, the prisoners of Shata Prison began a hunger strike to protest against being deprived of visits by their relatives. (The Jerusalem Times, 14 June)

612. On 17 June, the Addameer Prisoners' Support Association issued a statement condemning the Israeli refusal to allow the continuation of a Red Crescent programme organized with a view to facilitating family visits. Since the beginning of the year, Israel had prevented prisoners' families from visiting their relatives detained in Israeli prisons. (The Jerusalem Times, 21 June)

613. On 18 June, a sit-in strike was held at the Talmond Prison to call for the immediate release of all Palestinian prisoners held in Israeli prisons. Women prisoners detained in prison complained that additional bars had been installed on the prison windows. (The Jerusalem Times, 14 June)

614. On 1 July, the Palestinian Prisoners' Society staged a demonstration outside the El Bireh municipality in order to call for the release of all Palestinians who were still detained in Israeli prisons. (The Jerusalem Times, 5 July)

615. On 5 July, it was reported that an administrative detainee who had been arrested on 16 June and held at the Russian Compound detention centre had told a lawyer from the Society of St. Yves that he had been subjected to sleep deprivation since the beginning of his detention. He also claimed that he had been held for several consecutive days on a stool, with his hands tied, and that one of his interrogators threatened that unless he made a confession, he would die in the same way as other detainees who had died during their interrogation. On one occasion, his interrogators also told him that they were authorized to use increased physical pressure against those who refused to admit to charges whether they were true or not. Some 320 administrative detainees from the territories were reportedly detained in Israel. (Ha'aretz, 5 July)

616. On 15 July, a recently released woman prisoner, Rana Abu Kishek, stated that the number of women prisoners held at Talmond Prison had risen to 31 following the arrest of 7 women from Jerusalem and Ramallah. Abu Kishek added that by order of the Minister of Internal Security, some of the prisoners were not being allowed to receive any visitors other than members of their family. (The Jerusalem Times, 19 July)

617. On 22 July, the Israeli High Court ruled against the release of two female prisoners pardoned by Israeli President Ezer Weizman. The release of Un'am Jabari and Mai Ghussein had been blocked by a petition from a rightist group, the Committee of Victims of Terrorism. (The Jerusalem Times, 26 July)

618. On 4 August, the High Court of Justice ordered the chief of investigations at the GSS to make sure that prohibited physical pressure was not used against a detainee who had been held in Kishon Prison since his arrest two weeks before for unspecified security offences. The detainee claimed that during the first four days following his arrest, he had been kept in isolation. During the days that followed he was tied to a low footstool, with his hands tied behind his back and a sack placed over his head. Loud music, which kept him from sleeping, was played continuously in the room. The Court's final ruling on the detainee's appeal to stop his torture was expected to take place later in the week. (Ha'aretz, Jerusalem Post, 5 August)

619. On 4 August, two Palestinian prisoners, Ghassan Mohammed Abdel Rahman Mihdawi and Tawfik Ahmed Hassan Ziben, escaped from Ashmoret Prison in central Israel. According to Israeli sources, the prisoners, who had dug an 11-metre tunnel 40 centimetres wide, were Islamic Jihad activists. Prison authorities stated that this was the most daring prison escape in the history of Israel. (The Jerusalem Times, 9 August)

620. On 11 August, it was reported that three Palestinian security detainees in the Russian Compound had been staging a hunger strike for a week in order to protest against their continued detention despite the fact that their interrogation was over and that no charge sheets had been filed against them. One of the detainees was held in the detention facility for 65 days while the others had been held there for 47 days. The detainees complained of the harsh conditions in the small cell where they were held for a long period despite the end of their interrogation. They complained in particular of being denied any change of clothes. (Ha'aretz, 11 August)

621. On 17 August, some released Palestinian prisoners reported that the Israeli prison administration had tightened security measures in prisons after the escape of the two prisoners from Kfar Yuna Prison the previous week. The released prisoners added that some 70 male and 30 female prisoners in Talmond Prison were detained in Spartan conditions. Some of them were in solitary confinement as punishment for their constant demands for the easing of conditions of detention. In a separate development, it was reported that the Israeli prison administration had refused to allow a medical committee to check the health of life-term prisoner Mohammed Raja Nuairat, 66, who was suffering from heart disease. Prisoners detained in the Al Jamlah Prison complained that the administration had refused to transfer emergency or serious cases to hospital. (The Jerusalem Times, 23 August)

622. On 3 September, the attorney of a Palestinian administrative detainee who had been detained for a year and 10 months, appealed to the High Court of Justice to issue a habeas corpus order instructing the Defence Minister and OC IDF troops in the West Bank to release the detainee immediately. The attorney claimed that the detainee had not been present at a hearing on the extension of his detention and therefore had to be released according to the law. He also

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claimed that the period during which a suspect could be detained without trial by the security authorities had run out. (Ha'aretz, 4 September)

623. On 9 September, it was reported that ACRI had demanded that the Defence Minister and the Prisons Commissioner probe into a complaint by a detainee in Zalmon Prison concerning the use of violence against him by prison guards. It also demanded that they investigate allegations that the case had been silenced in the prison. According to the detainee, the officer commanding his wing summoned him to his office where one of the guards held him from behind as the officer started to strangle him. When he fell to the ground, the officer sat on him and beat him all over the body. The detainee claimed that he had warned his assailants that he had been operated on in the stomach and that he suffered from an ulcer. However, this only made his assailants hit him more on the sensitive parts of his body. The prison commander ignored his request to undergo a medical examination. The following day, however, he was sent to the prison doctor who refused to examine him for fear that she would be reprimanded for doing so. She consented to examine him only after repeated requests and subsequently sent him to a hospital where his left hand was put in a cast. The ACRI attorney pointed out that the letters he sent to the Defence Minister and the Prison Commissioner had had the opposite effect from that intended: instead of imposing a severe punishment against the prison wardens, the prison authority chose to close and silence the case while systematic pressure was exerted on the detainee to withdraw his complaint. The attorney stated that he had heard of other detainees who had also been beaten in the prison. (Ha'aretz, 9 September)

E. Annexation and settlement

Oral evidence

624. A Palestinian lawyer expressed fears before the Special Committee regarding the situation of Jewish settlements in the occupied territories after the recent political developments in Israel:

> "Today, after the elections of the new Government, new settlements again become an issue as we have started reading in the papers about new orders for building new settlements. During the past four years, no new settlements were built but many settlements were expanded, sometimes doubling or tripling their size, but in the same area. Today, the policy we will be facing is the building of new settlements inside the Palestinian neighbourhood, by way of confiscating small areas and building little points and dots inside the Palestinian community. Mainly in Jerusalem." (Anonymous witness No. 8, A/AC.145/RT.693)

625. The witness also mentioned the situation of the Jahalin Bedouin tribe, which is facing eviction from the site it currently occupies near the Maaleh Adumim settlement:

> "The last High Court decision was to give them two months to leave voluntarily to another piece of land, before forced eviction. This case has been in the High Court for the last five years. The amazing thing is that the judges of the High Court ruled against the Jahalin tribe without

> having the documents, after the Attorney-General had claimed before the Court that they had destroyed the files. So they do not have any documents to prove that this land is state land or that it does not belong to those families." (Ibid.)

626. Mrs. Linda Brayer, the Executive Legal Director of the Society of St. Yves, who is the lawyer representing the Jahalin Bedouin tribe, provided the Special Committee with background information regarding the concept of state land:

> "State land is a legal device that was made up by the man who is now the President of the Supreme Court in Israel, Professor Aharon Barak. Essentially what they did is the following: because they could not buy any land feasibly, any large pieces of land in the West Bank, because Palestinians refused to sell, the Israelis had to find a way of getting land for their settlements. The whole concept of state land completely reverses all the tenets and principles of property law. So what they did is as follows: the Israelis passed a military decree. I think that it is Military Order No. 58. It is about the guardian of absentee property and government property. Article 2 - I think it is - says as follows: if the Military Governor declares land to be government land, then it will be government land. If somebody objects, they may then come to an objection committee. You understand that the basic principle in any legal system is that if you want something, the burden of proof is then upon you to prove that you are entitled to have it if it is held by somebody else. If I want to take it from A, I must prove, I B, that I have the right. What does the military order do? It transfers the entire burden of proof and the burden of bringing evidence to the person who wants to resist the declaration, and if there is nobody who resists, then by definition the land becomes controlled by in this case the Israeli authorities, because they have defined themselves as the Government in the area, or at least in place of the Government.
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> "They have said that about 66 per cent of the land in the West Bank is state land. This is what more or less corresponds to area C. Area C includes this, although area C is bigger than 66 per cent of the land.
>
> "The reason why I spend time on this state land issue - because, I also want to add and say, in one sense it is a form of nationalization of land, it is nationalizing the land for the occupier, or for the colonizer - the reason is that they don't even stick to their own rules."
> (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

627. Mrs. Brayer provided the Special Committee with background information concerning land registration:

> "Israel stopped land registration completely in 1967. And then we come to our story, where I pick up, because Israel said: 'If the land is not registered in your name, then it cannot be owned by you. The best thing you can do in order to prove possession is to show us that you have cultivated the land. We refuse to accept as evidence a survey map with the signatures of the neighbours. We refuse to accept the procedures that were conducted under the Jordanians and that law which governed land

> registration.' As you know, in international law, you are not supposed to change civil laws governing property law. This has nothing to do with the security of the invading State, with the occupying State. But they did of course.
>
> "The upshot of such a demand is that if the land is uncultivable for many reasons - like for instance if it is rocky and the rocks haven't been removed (and in most of Palestine, if you remove the rocks, you reach topsoil and the land can then be used, with water), so if it is rocky, or if the water supply has been stopped to the land, or under Israeli occupation it has been declared a closed military area and so there is no access to the land, or even if the land was cultivated depending on rainfall, the Israelis said that if you did not cultivate it consecutively for 10 years with no break whatsoever, then you cannot have possession or ownership of the land." (Ibid.)

628. She gave the example of the locality of Abu Dis:

> "One of the ways the Israelis refuted the consecutive 10-year claim was through aerial photographs. The Israelis had been keeping taking aerial photographs of the area, probably every month or every two months, to know what had been going on in the area since 1967. So, they will use, and did use and do use, aerial photographs as counterproof to somebody who says that he did cultivate." (Ibid.)

629. The Executive Legal Director of the Society of St. Yves described the adversarial system introduced by Israel regarding land claims:

> "What happened with the Israeli military declaration is that an adversarial system was established whereby in these committees, a lawyer representing the guardian for government property would be laying claims to the land in contradistinction and against the Palestinian who would come to object to the declaration of the land as government land. So, you would have counter-claims within the actual committee, with of course the Israeli Government and army lawyers representing the Israeli interests having resources that are totally unlimited." (Ibid.)

630. Mrs. Brayer described to the Special Committee the additional complication of the use by Israel of maps with an inappropriate scale:

> "But even with the rate of success being small, the committees never did the work properly anyway. When they made the original declaration, the map attached to the declaration was always done to the scale of 1:50,000. It doesn't matter how many coordinates you have, 1:50,000 is an impossible scale. To determine a border on a piece of land, you need a scale of 1:1,000 and if you want to be really accurate, you should have a scale of 1:500." (Ibid.)

631. Mrs. Brayer, who represents the Jahalin Bedouin tribe, described the absence of survey maps concerning the site from which the Jahalin Bedouin tribe was in the process of being evicted:

> "None of us have seen - particularly in this Maaleh Adumim case - survey maps produced by the Israeli authorities to show which land was ultimately included in the declaration and which was left out, that is which land they had managed to prove was not cultivated." (Ibid.)

632. Mrs. Brayer was shown the alternative site where they were supposed to move by the Israeli authorities. She also drew the Special Committee's attention to the type of authority representatives present on that occasion:

> "I went to see the alternative site. It was smaller than the area where the Jahalin are all living on and a completely rocky hill. Present with me were members from the Israeli Ministry of Housing, the Israeli Interior Ministry - not members of the army, but members of the actual civil ministries inside Israel.
>
> "I discovered that the alternative site to which the Israeli military authorities wanted to move the Jahalin was situated about 500 metres away from the general garbage dump for Jerusalem and surrounding villages, on which there were radioactive materials from hospitals. I then also discovered that it was not a garbage dump conducted or dealt with according to the law in Israel, because it was not in Israel. It was in the West Bank. I discovered also that actually, the reason why the Israeli authorities had given this 'alternative site' to the Jahalin was because they could not use it for Jewish settlement because it was too dangerous.
>
> "In that next hearing to the High Court, I took a report written by an Israeli environmental expert who stated that the alternative site was unfit for human habitation." (Ibid.)

633. The witness described the exchange at the High Court of Justice between the Judge and the Counsel of State. The Judge asked the Counsel of State:

> "'Can you please tell the Court on what grounds you want to expel, or forcibly evict the Jahalin from the lands on which they have been living, according to them, for 40 years?'" (Ibid.)

634. The witness indicated that the State Counsel answered that it was state land. According to the witness, the Justice proceeded to say:

> "'If we accept as true what the petitioners claim, namely that they have been here for 40 years, under what laws would you say that you have the right to evict them?' He answers again: 'State land'. And she says: 'We made up state land. I do not want that. What is the original justification?'" (Ibid.)

635. The witness indicated that the Judge then asked the State Counsel:

> "'Why have you not given the material on this, from the records on the state land?' He says, in Court, and the protocol is not being written at this time: 'They have been destroyed.' She looks at him. I fall off my chair of course. 'I beg your pardon', she says. And he answers that 'the state land files have been destroyed.' So, she says: 'Do you mean to tell

> me that if we ignore the law between 1967 and then, but just according to your own standards of state land, you do not have any proof positive that it is state land, that you can remove the Jahalin?' He says: 'We do not have proof positive.' The Chief Justice was one of the three of the tribunal present." (Ibid.)

636. When the decision of the High Court was given, its President told the attorney representing the Jahalin that:

> "In the absence of the files and records of state land - he used the term 'in the absence of' (and not because it had been destroyed) - and said that it was up to me to reconstruct the files with the information from the lawyers who had appeared 15 years beforehand for some people, in order to determine what was state land. Some time before, in the middle of November, the spokesman for the Ministry of Justice wrote a letter to the newspapers saying that they always destroyed files after a certain length of time according to law. The word that they use in Hebrew is 'din'. It is not the same as in Arabic. It is a very general term, which does not mean a specific law and, of course, there is no law in any country according to which you do not keep in your archives material concerning land ownership. You keep it for ever. In fact, there is no time limit. There is no statute of limitation on land ownership." (Ibid.)

637. In addition to settlements, another topical issue is that of the building of bypass roads connecting Israeli settlements among themselves and with Israel:

> "In the Samu village near Hebron, the Israelis opened bypass roads for the settlements. As you all know, after the redeployment, Israel's policy was to open new roads connecting the settlements between themselves without passing through Arab Palestinian neighbourhoods, villages or towns. Those bypass roads will be built on Palestinian private land. It will pass through agricultural areas and destroy houses if they stand on the way. These roads would only be used by settlers, and not by Palestinians, unless they go to work to the settlements.
>
> "Furthermore, these roads are not built simply as connecting streets, they are like super-highways, wider than an airport landing way! Nobody could imagine that a settlement with 300 or 500 families would need such a highway, when our towns with 400,000 people do not have roads half that size. So, the purpose of building these bypass roads is to destroy and confiscate as much Arab land as possible." (Anonymous witness No. 8, A/AC.145/RT.693)

638. Mrs. Brayer told the Special Committee about one of the purposes of building bypass roads in the occupied territories:

> "One of the purposes that the bypass roads now serve is as a barrier. This means that if a person or a village is, say to the east, west or north or south of one of the roads, they cannot get to the other side of the road, because the people cannot cross the road, so that, in fact, the roads themselves now are forms of barriers, of iron curtains. I believe this, because this is what has happened in other cases. What we are going to now

> see is that when Palestinians cannot cross the roads and go to the other side of them to their lands to cultivate them (and these lands are in area C), the Israelis will then within a year or two, declare these lands to be state lands, because they have not been cultivated. Therefore, they will set up the conditions according to which they can steal more land. And they will." (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

639. The representative of the Israeli human rights organization B'tselem stated the following with regard to the bypass roads built by the Israeli authorities:

> "It seems that Israel sometimes tries to build peripheral roads around the bypass roads, so I do not really know where these roads lead to and where the other roads end. It is very difficult to find your way. You just see the bulldozers working and you see the dust filling the air. You see also that the olive trees and the vineyards are being uprooted." (Mr. Bassem Eid, witness No. 22, A/AC.145/RT.698)

640. Land in the occupied territories also continues to be confiscated for quarries:

> "There is an area south-east of Tulkarm, called Wadi A-Tin. A declaration was made in 1994 according to which 10,000 dunums were taken for quarries. The land happens to be some of the best agricultural land, because it has excellent topsoil and even where it is not cultivated, there is natural growth and plantation. The Israelis have taken 10,000 dunums on which they will concentrate six quarries, using up 2,500 dunums which are expected to produce 3 million tons of aggregate a year, which comes to approximately 8 or 9 per cent of the total amount needed and used in Israel itself.
>
> "Then, I also discovered that the reason why the Israeli military have declared this area to be a quarry, is because there are Jewish entrepreneurs who want to have businesses of quarrying and Israel is building, as you know, what they call the 'Seven Star Towns', which are placed on the 1967 border line, the Green Line, and they need building material. So, they have decided that they will take the building material from these quarries, which are just over the Green Line, about three to four kilometres over the Green Line, thereby spoiling occupied Palestine lands and taking natural resources out of this occupied territory and literally stealing it and taking it into Israel." (Mrs. Linda Brayer, witness No. 9, A/AC.145/RT.694)

641. A witness from Jerusalem provided the Special Committee with background information on the Israeli policy regarding the City:

> "In contravention to international law, as one knows, the Israeli authorities annexed the eastern sector of Jerusalem to Israel in 1967, by delimiting the borders of East Jerusalem in a way that would serve Israel's settlement and Judaizing plans. It has tried to add various sectors annexing the largest possible area of empty land and maintaining outside the municipal limits the largest possible number of Palestinian inhabitants. Therefore, Israel has grown its limits in a literally

> farcical way, like a caricature: sometimes the borders pass on the pavement of a street, whereas the street itself is inside Israel and the pavement is in the West Bank. Sometimes even, the border goes through a house and the kitchen finds itself in the West Bank and the sitting room is in Israel or in Jerusalem." (Mr. Abdel Rahman Abu Arafeh, witness No. 10, A/AC.145/RT.694)

642. A Palestinian lawyer provided a specific example concerning Jerusalem:

> "Just last week, the Israelis decided to confiscate land in Ras Al-Amud and the Silwan area in East Jerusalem, claiming it either to be state land or to have been bought from Palestinians, or that the banks had put their hands on those houses because they were built with Israeli bank loans, or that those houses belonged to Jewish families before 1948. All four reasons were used to confiscate various pieces of land in those two areas." (Anonymous witness No. 8, A/AC.145/RT.693)

643. A witness from Gaza spoke about the Israeli settlements there:

> "There is another point I want to mention, a situation that I also see with my own eyes and that is the streets and the roads that are made for the settlements, and the expansion of the settlements on the Gaza shore. Near a village called Beit Lahia, there is an expansion for the street. And if you go to the sea shore of the Khan Younis camp, you see them expanding every day." (Mr. Omar Khalil, witness No. 5, A/AC.145/RT.691/Add.1)

644. The fieldwork coordinator of the Gaza Centre for Rights and Law spoke to the Special Committee about Israeli settlements in the Gaza Strip:

> "As you know, there are 18 settlements in the Gaza Strip. There is also an industrial zone that is occupied by the settlers. The settlers occupy about 30 per cent of the area of the Gaza Strip and 1.2 million Palestinian citizens live on the remaining area. The settlements are tantamount to military barriers. They also mean the closure of roads. They mean the destruction of the land and the confiscation of land. They can also mean acts of killing and injuries. The latest of the victims is Attieh Abu Samra, who was killed at the hands of the Israeli soldiers who opened fire on him on 5 June 1996." (Mr. Ibrahim Khamis Shehada, witness No. 7, A/AC.145/RT.692)

645. The representative of Al-Haq summed up the most important subject of preoccupation regarding the occupied territories:

> "The most important subject is the confiscation of land and the expansion of settlements. We have statistics according to which 93 per cent of the land in the Jerusalem area has been confiscated. Following the Oslo Agreement, 2,796 dunums have been confiscated for the expansion of settlements around the City of Jerusalem. The concentration of settlements in the Jerusalem area is attributable to obvious political reasons.

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> "Regarding settlements, there is a clear expansion of settlements in the West Bank and vast areas of land are being confiscated in the West Bank for the establishment of settlements. The new reason advanced for the confiscation of land is the building of bypass roads. So they confiscate thousands of dunums of land and uproot thousands of trees in order to build those bypass roads in order to connect the settlements between themselves." (Mrs. Nina Atallah, witness no. 21, A/AC.145/RT.698)

646. Accounts of the annexation and settlement policy pursued by the Israeli authorities in the occupied territories may be found in documents A/AC.145/RT.691/Add.1 (Mr. Omar Khalil), A/AC.145/RT.692 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT. 693 (anonymous witness), A/AC.145/RT.694 (Mrs. Linda Brayer), A/AC.145/RT.694 (Mr. Abdel Rahman Abu Arafeh) and A/AC.145/RT.698 (Mrs. Nina Atallah).

Written information

647. On 2 April 1996, the Knesset Finance Committee authorized the transfer of some NIS 20 million to settlements in the West Bank, the Gaza Strip and the Golan Heights. The funds, which were meant for development and agricultural projects, were forwarded through the Jewish Agency. (Jerusalem Post, 3 April)

648. On 2 April, the police halted infrastructure work on the Har Homa settlement, which was being carried out in violation of a court order issued earlier in the week forbidding work to begin on the controversial project, a new Jewish neighbourhood on a site annexed to Jerusalem after the Six Day War, at least until 15 May, by which date the District Planning Committee would have held a new hearing on the project. (Jerusalem Post, 3 April)

649. On 6 April, some 800 Palestinians, Israelis and European tourists staged a demonstration in Bethlehem to protest against the closure and the confiscation of Palestinian-owned land for the construction of a bypass south of Jerusalem. The road, which called for the expropriation of more than 1,500 dunams of land, would primarily serve settlements in the Gush Etzion area. Palestinians also alleged that the confiscation would serve other purposes, including the creation of a holiday village for Israeli settlers. (Ha'aretz, Jerusalem Post, 7 April)

650. On 8 April, six Peace Now activists were detained while demonstrating at a ground-breaking ceremony for a new mall in the Karnei Shomron settlement. Hundreds of settlers came to the ground-breaking ceremony for the mall, which had been hailed by settlement leaders as important for the region, both politically and economically. The peace activists came to protest against the settlers' celebration and against the Government, which they accused of bringing more settlers to the territories than any previous Government. (Jerusalem Post, 9 April)

651. On 15 April, a West Bank Civil Administration official, Meir Blumenthal, declared the Israeli Government's intention to confiscate land belonging to five villages in the area of Ramallah. The villages affected by the order are Deir Dibwan, Janiyeh, Mazrah Qibliyeh, Ein Yabrud and Rafat. (The Jerusalem Times, 19 April)

652. On 17 April, dozens of Palestinians from Taqua village demonstrated against the confiscation of their land for the construction of a "security" road for the nearby Tekoa settlement. An Israeli guard fired shots in the air in order to disperse the crowd but was moderately wounded when his gun went off during a struggle with a Palestinian who tried to seize his weapon. (Ha'aretz, Jerusalem Post, 18 April)

653. On 19 April, it was reported that the Israeli authorities had decided to confiscate land in the Hebron, Bethlehem and Tulkarm districts in order to build additional circular roads for Jewish settlers. Work had started for the paving of Route 35 in the Hebron district, which would block all possibilities for the town to expand northwards. The Israeli authorities also intend to confiscate 2,000 square metres of the land belonging to the villages of Beit Lid and Ramin in the Tulkarm area. The settlement affairs expert at the Arab Studies Society, Khalil Tufakji, noted that so far Israel had confiscated 22 square kilometres of West Bank in order to build its circular roads. The figure did not include the area to be confiscated for the additional roads Israel intended to build. (The Jerusalem Times, 19 April)

654. On 21 April, the High Court of Justice upheld the decision to expropriate Palestinian-owned land in Hebron for the construction of a highway going from Ashkelon through the Hebron hills. The Court rejected the objections by the Hebron Municipality and 28 other petitioners and ordered them to pay NIS 25,000 in court costs. (Jerusalem Post, 22 April)

655. On 26 April, it was reported that the Israeli military commander for the West Bank had issued a military order for confiscation, for military purposes, of 12.5 dunums of land from the town of Kalkiliya, for military reasons. In a separate development, the OC Central Command decided to close off various parts of the territories surrounding Hebron for security reasons. The Israeli military authorities also informed the Municipal Council of Ithna, west of Hebron, of their intention to annex about 9,000 dunums of land belonging to the village to the "security cordon". (The Jerusalem Times, 26 April)

656. On 6 May, IDF soldiers fired tear-gas, rubber and live bullets in order to disperse some 600 Palestinians who had tried to halt bulldozers from clearing land for the construction of a fence around Kalkiliya. The Palestinians were protesting against the confiscation of land where a 15-kilometre fence was to be put up in order to separate Kalkiliya and other towns from Israel. Kalkiliya Mayor Marouf Zaharan stated that the fence was being built on 1,200 dunums of Palestinian-owned land and would come as close as 20 metres to some homes. Palestinian sources reported that at least a dozen people had had to be hospitalized after being injured during the clashes. Army Radio stated that 18 Palestinians had been hurt. Reuters reported that, according to hospital officials, nine Palestinians had been shot. The officials reported that two men were moderately wounded by live bullets while seven were wounded by rubber bullets. (Ha'aretz, Jerusalem Post, 7 May)

657. On 7 May, demonstrators from Bethlehem clashed with police during a protest march against the continuation of work at Rachel's Tomb, the ongoing confiscation of land for bypass roads in Judea and Samaria (West Bank), and against the permits issued for the construction of the Har Homa neighbourhood in

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Jerusalem. The demonstrators were joined by Palestinian National Council member Laila Haled, who shouted slogans against the Israeli occupation. The march, called "a demonstration for the salvation of Bethlehem" left Bethlehem City Hall and proceeded to Rachel's Tomb, where the demonstrators clashed with police and border police forces as they tried unsuccessfully to proceed northwards through the ranks of soldiers. In another development, in Kalkiliya, dozens of Palestinians protested against the construction of a separation fence west of Tulkarm and Kalkiliya. The protesters gathered near the site where IDF soldiers were carrying out work and threw stones at the soldiers who responded with tear-gas and rubber bullets after failing to disperse the crowd. According to military sources, three residents were slightly injured during the demonstration. A Palestinian source reported that six residents had been slightly injured. (Ha'aretz, 8 May)

658. On 7 May, Likud MK Ariel Sharon told thousands of settlers at a rally in Hebron that he envisioned thousands of Jews living in the town well into the future. Mr. Sharon stated that he believed that the day would come when the Jewish settlement in Hebron would continue to grow and prosper and thousands of Jews would live in the town. (Jerusalem Post, 8 May)

659. On 7 May, Israeli bulldozers started levelling land in the Zabdeh area north-east of the town of Kalkiliya. The land was confiscated by the Israeli authorities for the building of a fence. (The Jerusalem Times, 10 May)

660. On 12 May, the town of Bethlehem petitioned the High Court of Justice against the construction of a building by the army on expropriated land near Rachel's Tomb on changes to the access to the Tomb. The petition argued that the new project violated the Taba Agreement, which banned the army from any construction on the site, except for three guard posts. Furthermore, the petition stated that while the army was responsible for security at the site, there were no security reasons for putting up the building. Finally, the petition stated that the project would harm the residents and tourism by changing the northern entrance to the town. (Jerusalem Post, 13 May)

661. On 12 May 1996, the Government approved the allocation of NIS 11 million for the development of the ultra-orthodox settlement of Kiryat Sefer, which is located beyond the Green Line. The development plan included 600 new housing units whose construction had already begun in 1994. Some were already inhabited. According to the plan, Kiryat Sefer would ultimately be linked to the nearby settlement of Modi'in, thereby creating a homogeneous stretch of territory. (Ha'aretz, 13 May)

662. On 15 May, Khalil Toufakji, a senior researcher at the Arab Studies Society, charged that the Jerusalem Municipality was moving ahead with a plan to expropriate up to 300 dunums of land in the Arab neighbourhood of Shu'fat in order to link the Jewish settlement of Pisgat Zeev to the Shu'fat Ridge. More than 20 families from Shu'fat reportedly received letters from the Municipality during the week informing them that their land would be expropriated for the construction of Route 21. The letter gave the landowners 60 days to launch an appeal. Several hundred dunums of Shu'fat land had already been expropriated for the construction of the northern section of Route 1, which links the settlements of Pisgat Zeev and Neveh Yaacov to central Jerusalem. In another

development, Mr. Toufakji stated that the municipality was also re-zoning a 10-dunum park located in the Arab neighbourhood of Sheikh Jarrah in order to allow for the implementation of a Jewish housing project there. Mr. Toufakji observed that the land had been expropriated in 1973 from an Arab resident of Jerusalem. The municipal spokesman rejected the claims, stating only 2 dunums of land, which had always been Jewish-owned, were in question. (Jerusalem Post, 16 May)

663. On 26 May, dozens of Palestinians, headed by the Palestinian Authority Minister for Jerusalem Affairs, Faisal Husseini, lay down in front of an IDF bulldozer to prevent it from carrying out roadwork on a link between the new Jewish neighbourhood of Har Homa and the Bethlehem bypass. Several Peace Now activists also joined in the protest. The protesters succeeded in obtaining the suspension of the roadwork until a meeting with the OC Central Command. (Jerusalem Post, 27 May)

664. On 30 May, dozens of members of the Jahalin Bedouin tribe demonstrated against a decision by the High Court of Justice authorizing the IDF to remove them from State-owned land near the Maaleh Adumim settlement in order to allow for its expansion. The tribe claimed that they had been living in the area since the 1950s when Israel expelled them there from the Tel Arad area, which was under Jordanian sovereignty at the time. However, the Court rejected the claim but suggested that the State should consider granting the tribe financial compensation in addition to the alternative land that it had promised them. (The tribe rejected the alternative land on the grounds that it was located near the Abu Dis garbage dump.) (Jerusalem Post, 29 May; Ha'aretz, 2 June)

665. On 2 June, it was reported that the Jerusalem Forum headed by the Deputy Mayor of Jerusalem had devised a 15-point plan for Jewish settlement projects and construction of roads in East Jerusalem. The plan included the construction of Jewish housing units in the Arab neighbourhoods of Ras Al-Amud, Silwan and in the A-Tur neighbourhood on the Mount of Olives. It also called for the construction of the controversial Har Homa neighbourhood in southern Jerusalem in order to create a continuous stretch of Jewish settlements between Gilo and East Talpiot and advance the completion of the Western Wall tunnel, which had been held up for years because of the opposition of the Muslim religious authority in charge of the mosques on the Temple Mount. The plan dealt with other areas in addition to Jewish development, calling for the immediate closure of Orient House and 50 other Palestinian offices allegedly connected with the Palestinian Authority and the eviction of Palestinian security agents from the City. (Jerusalem Post, 2 June)

666. On 2 June, an IDF bulldozer uprooted more than 100 olive trees on land belonging to the residents of Bethlehem and Beit Sahur as part of the groundwork for the paving of a new road that would link the planned Jewish neighbourhood of Har Homa to the Bethlehem bypass. Dozens of Palestinian plantation owners who were lying on the ground in an attempt to halt the work were removed from the site by policemen and soldiers. Two Palestinians were detained for interrogation but were later released. Other Palestinians were reportedly beaten. The area was subsequently declared a closed military zone and work on the road resumed. One Palestinian landowner stated that he could not understand

how a bulldozer could uproot a 600-year-old tree. It was a heart-breaking scene, he said. (Ha'aretz, Jerusalem Post, 3 June)

667. On 2 June, Israeli bulldozers moved to pave the way for a road to service the new settlement of Har Homa. The road, linking the hill of Abu Ghneim with Route 160, would separate Jerusalem from Bethlehem. Approximately 500 acres of land were confiscated and hundreds of olive trees uprooted in order to make way for the road. (The Jerusalem Times, 7 June)

668. On 6 June, it was reported that the Elad Settlement Group, which viewed the victory of Prime Minister Netanyahu as a green light for speeding up settlement activities in East Jerusalem, had moved a Jewish family into a home the group had purchased in the Arab village of Silwan. The move brought to 12 the number of Jewish families living in the village. It was described as the first expansion of the Jewish settlement in that village in four years. According to the local mukhtar, several Arab families had received eviction notices from the Elad attorney. The head of Elad expressed the hope that Netanyahu's victory would allow the group to move many more families into homes purchased in the village. He claimed that Elad owned more than half of the homes and land in the City of David section of Silwan as well as other property elsewhere in East Jerusalem where it planned to build 200 homes for Jewish families. Meanwhile, an attorney for the Ir-Shalem group affiliated with the Peace Now movement charged that much of property had been purchased with funds obtained by Elad and other settlement groups under the previous Likud Government to which a Justice Ministry investigation later found that the groups were not entitled. (Jerusalem Post, 6 June)

669. On 7 June, it was reported that the Israeli authorities had confiscated 350 acres of land from the village of Nabi Samuel near Jerusalem for the purpose of converting the land into a nature reserve for the local Jewish settlements. (The Jerusalem Times, 7 June)

670. On 8 June, some 200 Palestinians and Israeli peace activists blocked a road being built in the area of the planned Har Homa neighbourhood in southern Jerusalem. The protesters marched from Bethlehem to the site carrying banners saying "Israel, stop your policy of destroying Bethlehem", "Strangling Bethlehem is strangling the peace process" and "Yes for peace, no for land confiscation". The Palestinian Committee for the Defence of Bethlehem stated that the road was being built on Palestinian-owned land that provided livelihood for several families. It also charged that ancient olive groves had been damaged during the construction. Residents of Bethlehem also expressed fears over another Israeli plan to confiscate thousands of dunums of land for the construction of a large tourist and industrial complex near Har Gilo. A statement issued by the Land and Water Establishment for Studies and Legal Services warned that the implementation of the plan would damage Bethlehem's tourist industry and would block the expansion of the town northwards. According to the association, 2,400 families would lose their land if the plan were to be carried out. (Ha'aretz, Jerusalem Post, 9 June)

671. On 17 June, it was reported that the Government's new guidelines had stated that settlement activities in the Golan Heights, Jordan Valley and Judea and Samaria (West Bank) were of national importance from a security point of view

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and an expression of the implementation of Zionism. According to the guidelines, the Government would change the settlement policy, would work for the consolidation of settlement operations in those areas and would allocate the necessary funds to that end. The Government would also consolidate the status of Jerusalem as the eternal and undivided capital of Israel. In addition, the Government would safeguard vital water supplies from water resources in the Golan Heights and Judea and Samaria (West Bank). Through its various ministries and the Jerusalem Municipality, the Government would allocate special funds to accelerate construction in Jerusalem and its vicinity. The guidelines stated further that the Government considered the Golan Heights a region of vital importance for Israel's security and the preservation of its water resources. The continuation of Israeli sovereignty over the Golan would constitute the basis for any arrangement with the Syrian Arab Republic. (Ha'aretz, 17 June)

672. On 19 June, the Jerusalem Magistrate's Court gave the construction and planning authorities a green light to proceed with the approval of the plan for the new neighbourhood of Har Homa in southern Jerusalem. The Court also rejected a petition by 30 landowners from the Zur Bahar village to overturn a decision by the planning authorities to change the local master plan. (Ha'aretz, 21 June)

673. On 21 June, hundreds of Palestinian protesters from Samu village near Hebron carried out their Friday prayers outdoors in the area designated for the construction of a bypass that would link the settlements located south of Har Homa. The Palestinian Land Protection Committee estimated that Israel was confiscating some 27,000 dunums of agricultural land owned by the villagers. During the rally, the speakers, including two members of the Palestinian National Council, called upon the Arab countries and the world to urgently intervene in order to bring to a halt the confiscation of land in Samu. One member of the Palestinian National Council stated that Israel's road construction policy and the expansion of settlements were aimed at dividing the territories into cantons and restricting the movement of the Palestinian population. At the end of the rally, dozens of Palestinians set fire to heavy equipment used for the construction of the road. (Ha'aretz, Jerusalem Post, 23 June)

674. On 22 June, the residents of Samu, south of Hebron, gathered to protest against the seizure of 6,000 acres of their land for the construction of a circular road. (The Jerusalem Times, 28 June)

675. On 28 June, the details of an Israeli plan of settlement in the Shu'fat area were disclosed by the Israeli weekly Yerushalayim. The plan, named "Eastern Gate", would encompass vast tracts of the land of Shu'fat village in the areas of Ras Shewhadeh and Ras Khamis. Some 2,000 settlers are expected to be brought into the area in order to create a continuous residential area on the north-eastern flank of the City. (The Jerusalem Times, 5 July)

676. On 5 July, it was reported that Israel had resumed the paving of the military road north of the town of Bethlehem, around Rachel's Tomb, despite an agreement between Israel and the Palestinian Authority to suspend construction work in the area. In a separate development, the Israeli press reported that the IDF had begun paving a new road to protect the northern sector of Jerusalem.

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The road, to be patrolled by border guards, passes north of the settlements of Radar and Givat Zeev and ends at Beit Oz. The sources added that the army intended to set up an electronic fence along its entire length. (The Jerusalem Times, 5 July)

677. On 11 July, it was reported that bulldozers, trucks and earth movers had begun encircling the camps, sheep pens and individual tents belonging to the Jahalin Bedouin tribe in the Maaleh Adumim area. The move followed a decision by the High Court of Justice to impose the deadline of 28 August for the tribe to move to a new site near Abu Dis. The Jahalin tribe had fled the Negev in 1950 and settled in the Judean desert under Jordanian rule, safe from the encroachment of Israel's developing society on the Negev Bedouins. However, in 1967 they again found themselves under Israeli rule, in the most rapidly developing settlement area. In 1981, the land on which they lived was declared State land. In 1993, they were offered alternative sites and they chose Abu Dis Kedar. However, they now had to contend with the Palestinian Authority who ordered the tribe to remain on the site, on the grounds that the land in question was private and belonged to the residents of the town. The tribe announced that it refused to move to the other area if this meant that they would be asked to move again. (Ha'aretz, 4 July; Jerusalem Post, 11 July)

678. On 12 July, it was reported that settlement leaders from the Gush Katif area were planning to launch a campaign to fill hundreds of vacant housing units in the settlements of the region. The leaders were also examining the possibility of providing families who were interested in moving to the region with more advantageous mortgages. The spokeswoman for the Gush Katif Regional Council stated that the Council had already set up several committees to absorb new settlers. She explained that the new Government had twisted settlers' arms and that new settlers were expected to arrive in the summer. "Gaza is one of the most vital places for the Government", she pointed out, "because of its small population and its security-related importance." According to a survey conducted by settlement leaders, the number of settlers in Gush Katif had increased from 3,500 to 5,500 over the past two years. (Ha'aretz, 12 July)

679. On 12 July, it was reported that the Municipality of Jerusalem had resumed work to build a promenade and a park at the site of the Bab A Rahma Cemetery located at the southern end of the walls of the Old City. The Municipality headed by Mayor Ehud Olmert was thus breaking the agreement made with the people of Silwan on 8 July according to which it had decided to cancel its plans for the building of the promenade after part of the area collapsed following bulldozer activity and graves broke open, spilling the remains of the dead. In a separate development, Israeli bulldozers are reported to have moved onto the site of the homes of the Jahalin Bedouins in the hills of East Jerusalem. According to a High Court of Justice ruling, the Jahalin Bedouins will have to move to the place allocated to them by the Israeli authorities, a rocky hill next to the Jerusalem garbage dump. (The Jerusalem Times, 12 July)

680. On 14 July, Pinhas Wallestein, the Chairman of the Council of Jewish Communities in Judea, Samaria (West Bank) and Gaza, declared that the Council was preparing a plan for the expansion of existing settlements and the establishment of new ones, which would increase the settler population by 300,000 to 500,000. Mr. Wallestein stated that the Council's first objective

was to fill empty apartments in numerous settlements whose sale the previous Government did not allow. The next objective was to expand the large urban settlements around Jerusalem and Gush Dan. Yechiel Leiter, the head of the Council's foreign relations office, explained that now that Judea and Samaria (West Bank) had been re-legitimized, it was natural for people to want to move from the major cities of Jerusalem and Tel Aviv to what he called "suburban areas". He pointed out that there was a demand to move to areas like Kiryat Arba and the Council's job was to respond to that demand. In a related development, Agriculture and Environment Minister Rafael Eitan called for hundreds of thousands of people to move to the West Bank and vowed to do his utmost to ensure the future of settlers by trying to increase their number. (Jerusalem Post, 15 July)

681. On 17 July, several dozen Palestinian children and PLO official Faisal Husseini staged a demonstration to protest against plans to re-zone a park in East Jerusalem and turn it over to a Jewish developer. According to the Palestinians, the park, located on Nablus Road in the Sheikh Jarrah neighbourhood, was located on expropriated Palestinian land. The Municipality spokesman claimed, however, that the Municipality had recently discovered that part of the park was built on 2 dunums of land owned by a Jewish landowner and that it was being returned to him. The spokesman added that Faisal Husseini, who organized the protest, was exaggerating the importance of the project. He claimed that because of zoning regulations, only some 1.1 dunums of land could be built on. In an opposition action it submitted against the plan, however, the Ir-Shalem Association claimed that the Jerusalem Municipality and the Jerusalem District Planning and Construction Committee had intended to create a Jewish stronghold in the heart of an Arab area in East Jerusalem. The association stated that the first step in implementing the plan had been to change the zoning of the park into a development area. The re-zoning would reduce the size of the park by one half, which was one of the few parks available to Arabs from East Jerusalem in their neighbourhoods. The Association claimed further that out of the 9,550 dunums of land in East Jerusalem designated as open public space, only 320 (3.4 per cent) dunums had been turned into public parks in the Arab sector of East Jerusalem, as opposed to 5,120 dunums in other parts of the City. The Arab residents of Jerusalem had at their disposal practically only 5.9 per cent of the Jerusalem park space despite their constituting 29 per cent of the City's total population. (Ha'aretz, Jerusalem Post, 17 July)

682. On 19 July, between 70 and 100 Palestinians went on a rampage through a section of agricultural land belonging to the Shilo settlement in Samaria (northern West Bank), burning fields, damaging agricultural equipment and uprooting olive trees. The Palestinians, who were from the nearby village of Karyut, were protesting against the settlement's use of the land they claimed was theirs. Clashes then erupted between the settlers, the Palestinians and soldiers. Stones were thrown and settlers broke the windows of Arab-owned cars and fired in the air. The IDF spokesman stated that several Palestinians had been injured by blows received and by broken glass and had been taken to hospital. Palestinian Authority Transport Minister Imad Faluji claimed that his car had been attacked by settlers who threw stones and metal pipes at it. Border police forces that arrived on the scene shortly after forced the Palestinians back to their village. (Jerusalem Post, 21 July)

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683. On 24 July, it was reported that the High Court of Justice had ordered the planning and construction authorities in Jerusalem not to submit the construction plan for the Har Homa settlement for approval by the Interior Minister pending the hearing of appeals by the Mekorot company and 30 landowners from the village of Zur Bahar against a previous rejection of their appeals. (Ha'aretz, 24 July)

684. On 24 July, the Peace Now movement issued a series of figures about settlements according to which the number of settlers in the territories had increased by 39 per cent, some 16 per cent of which as a result of natural growth under the Labour Government (June 1992-May 1996). According to the estimates, which were based on the data of the Central Bureau of Statistics data for the end of 1995, the number of settlers in the Gaza Strip and the West Bank stood at 145,000. According to Peace Now, the construction of 10,000 housing units that began under the Likud Government was a major contributor to the increase. In addition to the 10,000 housing units whose construction had been completed during the Labour Government, the Exceptions Committee had approved the construction of 3,942 apartments, most of which were located in Greater Jerusalem while few were in the Jordan Valley. Referring to the report, the Council of Jewish Settlements in Judea, Samaria (West Bank) and Gaza stated that the Peace Now figures concurred with the Council's figures, which were slightly higher. According to the Council, almost 150,000 Jews currently lived in the territories, which represented a 46 per cent increase during the Labour Government's term of office (and not 39 per cent, as suggested by Peace Now). (Ha'aretz, 25 July)

685. On 25 July, it was reported that Prime Minister Netanyahu was in favour of the building of new settlements along bypass roads in the West Bank. Mr. Netanyahu stated that construction should be allowed to develop naturally, along bypass roads instead of on hilltops. He claimed that bypass roads had been paved in areas without Arab villages. The construction of settlements along the roads would permit the creation of a continuous stretch of settlement blocks and increase the territorial continuity between settlements and the land within the Green Line. (Ha'aretz, 25 July)

686. On 27 July, the head of the Palestinian-Israeli Liaison Office, Qeis Makhzumi stated that more than 21 square kilometres of land belonging to Tulkarm had been seized in order to build the electronic fence separating the West Bank from areas inside the Green Line. Makhzumi indicated that the Israeli authorities had recently begun seizing land without prior notice. (The Jerusalem Times, 2 August)

687. On 28 July, the Director-General of the Prime Minister's Office, Avigdor Lieberman, announced that the Government would adopt a new approach in developing the territories that would raise the settlers' standard of living. While declining to reveal any detailed proposals in the major policy areas, Mr. Lieberman stated that the new plan would improve public services, create employment opportunities and bring industry to settlers in the West Bank and the Gaza Strip. (Jerusalem Post, 29 July)

688. On 29 July, the Minister of National Infrastructure, Ariel Sharon, announced that his Ministry intended to begin the construction of two new roads

in the territories before the end of the year. The first project would link Ben Shemen, near Ben Gurion Airport, with Atarot Airport (West Bank). Initially, the Public Works Department would construct a 10-kilometre-long divided highway between the Givat Zeev settlement and Atarot. The road would eventually be linked with Jerusalem's Route No. 4, which was currently under construction. The second project regarded the construction of a 20-kilometre road that would extend Route No. 5 eastward, from Rosh Ha'ayin to the Ariel settlement, by way of Elkana. (Ha'aretz, Jerusalem Post, 30 July)

689. On 29 July, settlement leaders expressed optimism and satisfaction following a meeting with the Prime Minister. More than 20 members of the Council of Jewish Communities in Judea and Samaria (West Bank) attended an hour-long meeting in which they raised a number of issues, including the lifting of the construction freeze in the territories; the expansion of existing settlements, including the Jewish settlement in Hebron; the construction of new settlements; the lifting of the freeze on the sale of some 2,500 apartments in the territories; the granting of new mortgages to settlers in the West Bank; preventing an IDF redeployment in Hebron; stopping "illegal" Arab construction in the territories; allowing mobile homes to be moved freely from one settlement to another; and cancelling the administrative orders restricting the movement of right-wing Jewish activists. Responding to Mr. Netanyahu's request that they estimate the potential for the increase of the Jewish population in the West Bank, the leaders stated that the settler population could be increased two- to threefold. The leaders told the Prime Minister that in the Greater Jerusalem area, Gush Etzion or Western Samaria (northern West Bank) any new apartments would be filled, while "deep inside the territory" it would be necessary to freeze the sale of apartments before constructing new ones, which the public could be encouraged to purchase with incentives. The leaders noted that while Mr. Netanyahu had made no concrete promises except that settlements in the West Bank and the Gaza Strip should be allowed to develop like any other locality in Israel, he did give one concrete peace of advice: that loud declarations to the press could sometimes thwart the actual implementation of plans. After the meeting, the Council Chairman heralded the beginning of a new period when not only would the discrimination of four very difficult years be reversed, but there would also be significant growth. (Ha'aretz, Jerusalem Post, 30 July)

690. On 30 July, the Minister of the National Infrastructure, Ariel Sharon, announced that his goals included the establishment of a new settlement east of Kibbutz Beit Guvrin along the Green Line and heavy investment in the Jordan Valley road. Mr. Sharon explained that he intended to return to the best days of Zionism and expressed the hope that the current Government would address the issue of settlements in general, stating that this was one of the reasons why people had voted for it. In a comment on Mr. Sharon's pronouncements, Palestinian Authority Justice Minister Freih Abu Medein warned of violence and bloodshed should Mr. Sharon be given a free hand with settlements. Mr. Medein told reporters that settlements and road construction in the heart of the Palestinian entity was tantamount to a declaration of war on the Palestinians. (Jerusalem Post, 31 July)

691. On 31 July, the Israeli army began work on a circular road aimed at encircling Ramallah from all sides. A report on Israel Television stated that the aim of the building of the road was to limit the expansion of Ramallah. A

military source added that the road would help to cut off the passage of Palestinians trying to get into Jerusalem through byways. (The Jerusalem Times, 2 August)

692. On 1 August, Justice Minister Ya'acov Ne'eman met with settlers from Hebron who raised several issues of concern to them, such as the fact that they were not allowed to purchase Arab houses on the open market and that they had so far been refused construction permits, even within the boundaries of their settlement. The spokesman for the Hebron settlement stated that while Mr. Ne'eman had made no promises on any of the issues, settlers had the impression that he was sympathetic to their concerns. (Jerusalem Post, 2 August)

693. On 1 August, it was reported that Infrastructure Minister Ariel Sharon had instructed the Israel Land Administration to purchase any land being sold in Israel and beyond the Green Line, regardless of its price. He stated that as far as he was concerned, there was no Green Line. Mr. Sharon's instructions were believed to refer mainly to Arab land in Israel and beyond the Green Line. (Ha'aretz, 1 August)

694. On 1 August, the Ka'abneh Bedouin tribe staged a demonstration to protest against attempts by the Israeli authorities to drive them off their land. The Ka'abneh live near the town of Taybeh, east of Ramallah. Spokesman Bassam Kaabi stated that Israel was trying to force 500 families and 1,500 sheep off the land. (The Jerusalem Times, 9 August)

695. On 4 August, Environment and Agriculture Minister Rafael Eitan called for the population of the Jewish settlement in Hebron to be increased from 400 to 4,000. Mr. Eitan stated that he supported a large and strong settlement in the town and added that there was no reason why Jews should be forbidden to live there while Arabs were authorized to live in Haifa and Jaffa. (Jerusalem Post, 5 August)

696. On 8 August, some 300 Palestinians staged a demonstration in Rafah against Israel's plan to confiscate Palestinian-owned land for the construction of a road leading to the Morag settlement. One of the protesters, a resident of Rafah, stated that two weeks earlier soldiers had ordered him to vacate his 180 dunums of land where he grew potatoes or he would be imprisoned for 10 years. (Ha'aretz, 9 August)

697. On 9 August, it was reported that the Housing Ministry had sold 965 apartments in the territories and rented an additional 1,817 during the first half of 1996. (Ha'aretz, 9 August)

698. On 12 August, Interior Minister Eli Suissa pledged to immediately accord NIS 15 million in emergency aid to settlements in the territories as compensation for their increased expenses as a result of the Oslo Accords. The assistance was part of a NIS 40 million budget to be earmarked to settlements in the West Bank in 1996 and 1997. Mr. Suissa also promised to do whatever he could to speed up planning and construction on the Green Line, including the construction of 2,500 housing units in the Adam settlement and of a new neighbourhood in the Kohav Yaacov settlement. The Council of Jewish Communities

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in Judea and Samaria (West Bank) praised the Minister for his initiatives, stating that the Council considered the freeze on building in the territories to be its number one problem. In a related development, Deputy Chairman of the Council of Jewish Communities in Judea and Samaria met with the Deputy Housing Minister in order to discuss ways to speed up construction in the territories. (Ha'aretz, Jerusalem Post, 13 August)

699. On 12 August, the Prime Minister stated that the land of Israel was the land of the Jewish forefathers and that Jews had the right to settle down in it wherever they chose. Mr. Netanyahu made the statement when referring to the Government's decision to lift the freeze on construction in settlements. (Ha'aretz, 13 August)

700. On 12 August, Defence Minister Yitzhak Mordechai allowed some 300 mobile homes to be stationed near schools and other educational institutions in the West Bank. A security source stated that since the Government's decision to disband the Exceptions Committee, settlement leaders were exerting considerable pressure in order to obtain construction permits, to make changes in the master settlement plans and to obtain approval for the stationing of mobile homes. The source pointed out that while settlements were not expected to be "flooded" with mobile homes, the trend was to satisfy the settlers' requests to the extent possible. The Council of Jewish Communities in Judea, Samaria (Gaza Strip) and Gaza hailed the decision to move 300 mobile homes to settlements as the first step in the right direction. It stated, however, that such a move could not replace construction and did not rectify what it described as the discrimination of the previous Government against the settlements. (Ha'aretz, 13 August)

701. On 14 August, some 150 Palestinian women protested in Rafah against Israel's decision to confiscate 177 dunums of Palestinian-owned land for the construction of a road leading to the Gush Katif settlement bloc. The women waved banners reading "Peace and settlements cannot meet". They also called on Yasser Arafat to suspend peace talks with Israel and urged Arab countries to stop the process of normalizing relations with Israel. A wife of one of the landowners stated that she had 12 children and that if the Israeli Government seized their piece of land, her family would be reduced to poverty. In a comment on the protest, the spokesman for the Liaison Office for Civilian Affairs stated that the Palestinians had failed to prove their ownership of the land. (Jerusalem Post, 15 August)

702. On 14 August, hundreds of Palestinian women demonstrated in Rafah against a decision by the Israeli authorities to seize 10 acres of land to expand the neighbouring Morag settlement. The land slated for confiscation is situated in the Abu Thaheer area. Palestinian Council member Suleiman Rumi stated that a mosque was to be built on the land in question on an area of 600 square metres. West Bank Civil Administration spokesman Shlomo Dror indicated that the land was State-owned and was to be used to pave a road leading to the Morag settlement. (The Jerusalem Times, 16 August)

703. On 15 August, it was reported that according to a survey conducted by Amana, the settlement arm of the Gush Emunim ("Bloc of Loyalty"), 1,156 out of the 3,100 government-owned apartments in the territories were already inhabited by squatters who were eager to buy them. Amana conducted the survey in July and

distributed it to the relevant government ministries in an attempt to show that there would be buyers for the apartments as soon as the Government gave the go-ahead to sell them. The head of Amana revealed in this connection that the Treasury and Housing Ministries had already decided to sell the apartments. The previous Government had refused to sell the apartments for political reasons, which explained why so many were occupied by squatters. (Jerusalem Post, 15 August)

704. On 26 August, IDF soldiers and border policemen evicted some 10 families belonging to the Jahalin Bedouin tribe from the area adjacent to the Maaleh Adumim settlement. The eviction was carried out after the IDF had declared the area a firing practice zone and the tribe members trespassers. According to the families in question, soldiers and border policemen arrived at their encampment in the morning and pulled down 10 tents, 2 of which they seized. The operation was carried out while only women and children were in the camp. The women had reportedly clashed with the security forces. The families claimed further that the soldiers had looted their property and stolen money and jewels. The IDF spokesman stated that the complaint was being verified. (Ha'aretz, 27 August)

705. On 27 August, National Infrastructure Minister Ariel Sharon announced his decision to establish a new railway line from the Ashdod port to the Gaza Strip. The decision was made during a meeting that Mr. Sharon held with the representatives of Israel Railways, the Finance Ministry and the Coordinator of the Government's Activities in the Territories. (Ha'aretz, Jerusalem Post, 28 August)

706. On 27 August, the High Court of Justice issued an interim injunction forbidding the eviction of the Jahalin pending a hearing of its latest petition against the alternative site chosen by the army. Under a High Court of Justice order issued on 28 May, the tribe was to move to a new location. The Civil Administration offered each family half a dunum of land without payment near the municipal garbage dump in the vicinity of the Kedar settlement. The Palestinian Authority stated, however, that the land in question belonged to the residents of Abu Dis and that it did not want Palestinians to be moved for the convenience of an expanding Israeli settlement. (Ha'aretz, 26 August; Jerusalem Post, 28 August)

707. On 27 August, the Israeli authorities demolished a building located within the walls of the Old City of Jerusalem for the first time. According to Palestinian sources, the Israelis planned to set up a settlement at the site on which the Burj Al Laqlaq Centre for the Aged and Handicapped had been built. The Jerusalem Municipality had recently sent demolition notices to five house owners around Burj Al Laqlaq, on the pretext that their houses had been built without a permit. The Chairman of the Islamic Society in Jerusalem, Sheikh Hassan Tahboub, pointed out that the site was on land owned by the Islamic Waqf. (The Jerusalem Times, 30 August)

708. On 27 August, the spokesman for the Israeli Government, Moshe Vogel, confirmed that the Minister of Defence, Yitzhak Mordechai, had approved a plan for the building of 900 additional houses in the Kiryat Sefer settlement west of Ramallah. The 900 houses were to accommodate religious families. (The Jerusalem Times, 30 August)

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709. On 2 September, a road linking Jerusalem with the Gush Etzion settlements was opened. National Infrastructure Minister Ariel Sharon, who attended the official opening ceremony, stated that the road would connect Hebron, which he defined as the "city of the Jewish forefathers", and the capital of the Negev (Beersheba) with Jerusalem. The 12-kilometre stretch of road would make it possible to travel from Gush Etzion to Jerusalem without going through Bethlehem, Beit Jalla or passing near the Dheisheh refugee camp. Following the opening of the road, the head of the Gush Etzion Regional Council announced that the battle was finally over and that a direct connection had been established between Gush Etzion and Jerusalem. (Jerusalem Post, 3 September)

710. On 3 September, Health Minister Tzahi Hanegbi informed the Knesset that his Government would not accept any agreement on Hebron that did not grant its Jewish settlement and the one in Kiryat Arba the right to develop and expand. Mr. Hanegbi stressed that Hebron was different from the other major towns of Judea and Samaria (West Bank) not only because of the presence of a Jewish community there, but also because there had been a Jewish presence there during most of the greater part of the last 2,000 years, until the Arabs had massacred its Jewish residents in 1929 and because of the town's special religious significance. Mr. Hanegbi also pointed out that even the Labour Government had postponed the withdrawal from Hebron before the elections because it had realized that the Agreement, as signed, was a disaster. In a related development on 3 September, Agriculture and Environment Minister Rafael Eitan visited Hebron and was acclaimed when he told settlers that his Government would not withdraw from the town. (Jerusalem Post, 4 September)

711. On 3 September, Israeli bulldozers levelled three-quarters of an acre of land in the Jerusalem neighbourhood of Silwan. The Land Defence Committee spokesman denied a claim by the Jerusalem Municipality that the property was land on which a school was to be built. (The Jerusalem Times, 6 September)

712. On 4 September, the residents of Beitunia organized a protest against an Israeli plan that would appropriate more than 1,250 acres of land west of Ramallah in order to link the Jerusalem Qalandia Airport to Lydda International Airport. (The Jerusalem Times, 6 September)

713. On 5 September, it was reported that National Infrastructure Minister Ariel Sharon had prepared a plan calling for massive building and development in the Jewish settlement of Hebron, which would enable some 3,000 additional settlers to join the 450 Jews who currently lived there. Mr. Sharon's plan would also allow the IDF to deploy patrols and maintain lookout posts on sites overlooking the Jewish part of the town, even though these areas would be officially controlled by the Palestinian Authority. The IDF would also have the right to enter any part of the town in pursuit of "terrorists" or in order to prevent a "terrorist" attack. Finally, the plan envisaged the construction of a wall separating the Jewish and Arab parts of Hebron and connecting the Kiryat Arba settlement with the Jewish areas of the town. (Jerusalem Post, 5 September)

714. On 5 September, the Council of Jewish Communities in Judea and Samaria (West Bank) and Gaza announced its decision to embark on a major building campaign in the territories, legally, if possible, but illegally if not. The

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Council spokeswoman stated that the Council had planned to start construction on locations where fully approved building plans already existed. These plans, which encompassed hundreds of housing units, had been frozen by the previous Government, but could theoretically be implemented now that the Government had revoked the freeze on construction in the territories. In a related development, Health Minister Tzahi Hanegbi announced during an interview with Channel 7 that the Government's objective was to at least double the number of settlers in the West Bank by the end of its four-year mandate. (Ha'aretz, Jerusalem Post, 6 September)

715. On 8 September, leaders of settlements in the Jordan Valley expressed their satisfaction following a meeting they had had with Tourism Minister Moshe Katsav. At the meeting Mr. Katsav promised to earmark NIS 6 million for two tourist projects in the Valley and agreed to help in the planning of a third. (Jerusalem Post, 10 September)

716. On 9 September, Infrastructure Minister Ariel Sharon disclosed several development plans for the Jordan Valley that delighted the leaders of the valley's settlements. At a meeting with the leaders, Mr. Sharon promised to allocate NIS 30 million, an addition to the NIS 10 million already promised by the Transport Minister a week before, to improve the Valley's main highway, Route 90. He also pledged to allocate funds for the upgrading of the area's other main north-south route, the Alon Road (Route 80). Finally, he told the settlers that he was in favour of immediately adding 400 families to existing settlements in the region and that he would like to see two additional settlements in the Valley, Rotem and Kochav Hashahar, turned into municipal centres and promised to help with the additional infrastructure this would require. (Jerusalem Post, 10 September)

717. On 10 September, 50 mobile homes were transferred to the Betar settlement. The 50 caravans, to be used as classrooms, were an addition to the 300 other caravans that had been transferred to settlements in the territories for similar purposes a few weeks earlier. In the Betar settlement, 1,000 new housing units were being occupied, a move that was expected to increase the settlement's population by 5,000 persons. In addition, the Ministry of Housing was preparing to publish a call for tenders for the construction of 900 additional housing units for which infrastructure had already been completed. It was also planning to construct an additional 5,000 housing units on another hill in the settlement. (Ha'aretz, 11 September)

718. On 11 September, it was reported that the Minister of Labour and Social Affairs had proclaimed the end of what was referred to as the "discrimination" against settlers in the Gush Etzion area. During a visit to the area, the Minister promised the settlers that his Ministry would step up assistance to the Gush Etzion Regional Council "as much as possible". (Ha'aretz, 11 September)

719. On 19 September, a Civil Administration spokesman confirmed that plans for the construction of almost 3,000 housing units in Judea and Samaria (West Bank) had been approved by the Civil Administration a day earlier. The new plans included the construction of some 1,400 units in the Alfei Menashe settlement, 1,160 in the Emmanuel settlement, more than 200 in the Jordan Valley, 122 in the Kedumin settlement and 16 in the Otniel settlement. The Civil Administration

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also approved a master plan for Hadar Betar, designed to become a new neighbourhood of the ultra-orthodox settlement of Betar. The approval came just one day after Defence Minister Yitzhak Mordechai had signed other plans authorizing the building of 1,800 units in the ultra-orthodox settlement of Kiryat Sefer/Mattityahu, which, according to Peace Now, would increase the settlement's population of 2,900 nearly eightfold. Settlement officials stated that smaller development projects in the settlements of Givat Zeev, Maaleh Adumim and Har Adar had also been approved by the Defence Minister. They indicated that the plans were among some 300 in the bureaucratic pipeline that the Labour Government had frozen and added that since the new Government had come to power, some 15 plans had advanced through various stages of Civil Administration approval. Addressing the state parliament of Hesse in Weisbaden, Germany, on 19 September, Palestinian Authority Chairman Yasser Arafat called the expansion provocative and warned that hostility and war had appeared again on the horizon. The Palestinian Authority Information Ministry also stated that the decision to expand settlements was tantamount to a declaration of war against Palestinian land. Peace Now stated that by issuing the construction permits the Government was burying any hope for peace. Merez leader Yossi Sarid stated that he knew the Government had intended to increase settlements in the territories by 50 per cent in the next two years. (Jerusalem Post, 19 and 20 September)

F. Information concerning the occupied Syrian Arab Golan

Oral evidence

720. In a statement delivered before the Special Committee at Damascus on 29 June, Mr. Taher Al-Husami, Director of the International Organizations Department of the Ministry of Foreign Affairs of the Syrian Arab Republic, referred to the situation in the occupied Syrian Arab Golan and stated in that connection:

> "Day after day, life is becoming harder and more miserable for the Arabs of the Golan as a result of acts of repression and persecution suffered at the hands of Israeli occupation authorities. Such acts include a ban on individual and public freedoms along with acts of injustice and actions that are degrading to human dignity.
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> "The Israeli Military Governor has the authority to impose a regional curfew whenever he deems necessary for any reason and for any period of time. He can also place whomever he wants under house arrest and order the arrest of whomever he suspects. Other repressive measures include excessive beatings, opening fire with live ammunition on demonstrators, storming houses and schools and the detention of citizens for the most trivial of reasons. Such practices have become part of the horrific daily reality of the life of the people in the occupied Syrian Golan ever since the aggression of June 1967.
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> "Other human rights violations by Israeli occupation authorities in the occupied Syrian Golan include the imposition of excessively cruel punishments and long prison sentences on Syrian Arab citizens opposed to

occupation. At the time of preparing this report, that is, on 30 May 1996, there were 14 Syrians serving long-term prison sentences of up to 37 years.

"Other forms of cruel treatment that prisoners are subjected to include the flooding of cells with cold water to expose detainees to cold and illnesses and the sudden transfer of prisoners without giving them permission to carry their personal effects with them. This often results in added financial hardship not only for the prisoners but for their families as well.

"Collective punishments include shutting out sun and air from coming into cells, the use of clinics and hospitals as a means of blackmailing detainees and the use of medical staff for the purpose of intimidating prisoners. Throwing tear-gas canisters into cells, naked searches, solitary confinement, physical assaults, fines and denial of visits are only some of the other forms of repression used.

"Some prominent human rights organizations have described detention conditions in Israeli prisons as subhuman. Detention centres include solitary confinement cells in which Arab detainees are subjected to regular and systematic physical and psychological torture for long periods of time during which they are denied visits either by their legal counsel or by their families. Recorded cases of maltreatment have not been just isolated cases of individual transgressions by interrogators and guards; they all fit into a constant pattern that would not have lasted so long without the approval of Israeli authorities. Interrogation methods employed are in complete contradiction with the principles and provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

"Equality before the law is non-existent in the occupied Syrian Golan; there are no legal proceedings and no legal safeguards for Syrians. Nothing attests to this better than the huge contrast between sentences passed on Syrian Arabs and those passed on settlers. Syrians receive the harshest of sentences while settlers receive the most lenient of sentences even when found guilty of murdering Syrian citizens. No wonder settlers behave with the full confidence that they enjoy impunity; and that they, consequently, act with complete disregard for Syrians' lives. Armed by the Israeli occupation authorities, the settlers often engage in provocative acts against Syrian citizens.

"Hundreds of Syrians in the occupied Syrian Golan have had to abandon agricultural work for one or all of the following reasons: loss of land, shortage of water, their inability to compete in the domestic market against Israeli subsidized crops or because they found themselves before barriers preventing them from purchasing what they need for agriculture or from exporting their produce.

"Similarly, Israeli occupation authorities have been seizing cattle and restricting grazing to areas around occupied Golan villages, practices that force people to sell their cattle. Quite often, the Israeli authorities simply seize such cattle for wholly unwarranted reasons.

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"Furthermore, heavy taxes are imposed based on arbitrary criteria. There are municipal taxes, housing taxes and insurance taxes that eat up more than half the income of people working in industry and commerce. There are also income taxes, national insurance contributions, compulsory loans and many other forms of levy imposed on property owners individually and coercively. The purpose of devising such forms of taxation is invariably to undermine any prospects of industrial and commercial development and to maintain living standards at a low level and unemployment at a high level.

"The fact of the matter is that the Israeli occupation authorities impose taxes on practically everything that a Syrian may happen to have. Force is used in the collection of such taxes. Taxes on a Syrian-owned house can reach as much as $1,000 a year and on agricultural produce as much as 50 per cent of its value. Workers wages are taxed at up to 50 per cent. Other taxes levied include a tax on each head of cattle owned by Syrian farmers, the owners of the land.

"Work in government departments or public establishments is not open to Syrians since such institutions were designed right from the start to serve the settlers. The Israeli occupation authorities will argue that the Syrians' unfamiliarity with Hebrew and security considerations preclude them from public employment. The only Syrians in public office are a few teachers and a number of employees in institutions dealing with Syrians.

"Tightening the economic hold on the Syrians in the occupied Syrian Golan in all areas of life as outlined above leaves them with only one option, which is to work as low-wage workers in the construction and road-building sectors.

"Such practices have invariably contributed to the worsening of the already critical economic situation in the Golan, and dropped the standard of living of Syrians in the Golan to below the poverty line, turning the whole occupied region into an exporter of cheap labour, a source of tax-based extra funds for the Israeli treasury and a market wide open to Israeli products.

"Israeli settler activities in the occupied Syrian Golan have constituted a threat to the natural environment embodied in the over intensive utilization of natural resources through seizure of both fertile land and water sources. Other environmental hazards causing environmental damage is the burial of Israeli industrial wastes in the Golan and the cutting of fruit trees and the use of pesticides, fertilizers and dyes in Israeli settlements.

"The environmental degradation in the occupied Syrian Golan is leaving its effects not only on the health of the Syrian population there but also on the very future of the Golan.

"The overview of the situation of human rights in the occupied Syrian Golan, which this report has attempted to give, is based on the latest and most reliable information on the subject. It leads us to conclude that the

> human rights situation prevailing in the occupied Syrian Golan during the review period was grave."

721. In a statement delivered before the Special Committee at Quneitra on 30 June, Mr. Walid Al-Bouz, the Governor of Quneitra, Syrian Arab Republic, referred to the situation in the occupied Syrian Arab Golan and stated in that connection:

> "The Israeli occupation authorities are still continuous in their suppressive policy and their inhuman practices against the Syrian Arab citizens who have remained under the occupation at the occupied Arab Golan villages (Majdal Chams, Baka'na, Massada, Ain Konia, Al Ghajar) totalling 20,000 inhabitants, using the various kinds of means of suppression, pressing and terrorism that are in opposition to the simplest rules of international law, and in particular the Fourth Geneva Convention, as to the protection of the citizens in the occupied territories, and in general the resolutions issued by the Security Council and the General Assembly and other international organizations and bodies.
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> "The inhuman Israeli practices include the various material, political, cultural and social situations of the Arab citizens in the occupied region of the Syrian Arab Golan, not to mention the continuity of the settlement policy, advancing to the Arab territories, destruction of building, theft of antiquities, investment and seizure of lands, natural resources and water sources.
>
> "The general feature of the Israeli practices in the occupied Golan against the Syrian citizens has been characterized by the previous means of suppression and terrorism, concentrating on economical pressures, burdening and exhausting the citizens economically with different kinds of means.
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> "The occupation authorities are suppressing all that may develop the national character of the population. They even search for tapes of national songs, seize them, force their owners to pay fines, detain and arrest them.
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> "The occupation authorities are still preventing the visits of the families and relatives to their homeland, Syria. Several requests in this regard have been refused.
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> "The occupation authorities are still focusing on the steps for furthering the Israeli settlement in the Golan by establishing new settlements or adding housing units for the prevailing settlements and extending them.
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> "The declarations of the Israeli authorities, which are continuous and include insistence on expanding the currently prevailing settlements, have been confirmed as fixing and expanding the settlement process, continuous seizure of lands and bringing new immigrants and housing them in these Syrian occupied lands.

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> "The occupation authorities control agricultural production, making conditions of stagnation for the main product of the population, that is to say apples, and purchasing them at cheap prices by importing huge quantities of apples from abroad, in spite of the excess of apples available in Golan villages, which leads to their price decrease and to non-coverage of their costs, taking note that the product is the main source for the living of the population, which aims at forcing the population to renounce farming and to be employed by the Israeli employers, a matter that increases chances for controlling and dominating the population economically and then politically as planned by the occupation authorities.
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> "As to those studying at the University of Damascus, they are examined upon return in a humiliating way. Then the occupation authorities investigate them, warning them about discontinuing their study in order to leave them in unsettled conditions.
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> "The authorities imprison students in the occupied Golan during the period of examinations to prevent them from completing their study.
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> "The health conditions are still bad and the occupation authorities have no interest in them. The population are forced to participate in the patients' fund although it is of no practical use to them. The situation of the Syrian Arab citizens in the Golan under the Israeli occupation is a daily continuous suffering as a result of the inhuman practices of the occupation authorities, who violate the simplest principles of law, justice and human rights."

722. The fourth witness from the occupied Syrian Arab Golan described the general situation there:

> "Violations of human rights in the Golan, that means repression, terrorism, detention, imprisonment, economic pressure, cultural and educational repression, bad health conditions, religious oppression and repression of the freedom of opinion." (Anonymous witness no. 26, A/AC.145/RT.701)

723. The first witness from the occupied Syrian Arab Golan described the situation created there by the Israeli authorities:

> "They are extending their hegemony and their control over every aspect of human life, with either a policy of displacement, that is to say to tell the people to just go, or there is the other policy where you receive the Israeli nationality as a matter of fact." (Anonymous witness no. 23, A/AC.145/RT.701)

724. The second witness from the Golan also spoke to the Special Committee about the same issue:

> "The request that they acquire Israeli citizenship was made to all the people of the area before the annexation of the Golan in 1981. Israel had had the plan to take as many people as possible to its side. In 1979, a

> public meeting of Golan residents took place in the mosque of Majdal Shams and it was decided to reject the Israeli citizenship." (Anonymous witness no. 24, A/AC.145/RT.701)

725. The third witness from the occupied Syrian Arab Golan stated the following about the general situation in the Golan Heights:

> "So many things that might be events to you are becoming commonplaces for us and are not worth mentioning. This is the daily life that we go through, directly or indirectly that is how we live now. We have become immune to those events. We have now come to understand that we have been created to leave this land. It does not look strange to us any more. I do not want to say that we have grown accustomed to the situation because it is all right for us and acceptable, but we really have not seen anything better. If one sees a better life, one could aspire to have a better life. One could yearn to have a better life. We only see a better life in the Israeli settlements, in the kibbutzim." (Anonymous witness no. 25, A/AC.145/RT.701)

726. The first witness from the occupied Syrian Arab Golan described the treatment to which students who study in Syria are sometimes subjected:

> "When we were students and used to go back and forth, we were always submitted to a very close search. People were asked to take off their clothes. We were not allowed to bring anything with us. Always insults, kicking. We used to be put on the bus, the curtains would be drawn, so we could not see anything outside the bus.
>
> "I remember when we were here in Syria and we went back to the occupied territory. They refused to search in Quneitra. They took us to the Damiya bridge, five to six hours by car. No food and no drink." (Anonymous witness no. 23, A/AC.145/RT.701)

727. The second witness from the Golan described his experience when he was a student:

> "We had to walk, we were not allowed in by car. We went to the Israeli checkpoint. We were a group of young men. The Israeli authorities did not allow us to go through standing, they wanted us to crawl under the bar. We refused to do so. We insisted on crossing as human beings should, or to go back to Damascus. The ICRC intervened together with United Nations personnel present at the checkpoint. And after about 20 minutes, they relented and lifted the bar. Once on the other side, in the occupied land, we were thoroughly searched, the luggage and ourselves. We had to take off our clothes, including underwear. We were subjected to a very long interrogation and asked about the smallest details of our life in Damascus, even about things that were not of concern to us as university students. That went on for hours on end. We got to our villages very late at night." (Anonymous witness no. 24, A/AC.145/RT.701)

728. The third witness from the occupied Syrian Arab Golan spoke about the psychological harassment to which educated persons were sometimes subjected to:

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> "During these many years, we developed a high percentage of university graduates and postgraduates. That was not expected by the Israelis. When we return to the Golan and, even as a doctor, start working in a mechanics shop for example, the owner of the business would know that I am a doctor and he would say 'You are a doctor, you should not be doing that kind of work, I'll give you something to do', and he would give me something so silly to do that it would completely demoralize me. We do not accept to be demoralized in this way. They used to pick us out, the people with high degrees, and give us such silly and trivial work, so that we would leave of our own accord." (Anonymous witness no. 25, A/AC.145/RT.701)

729. The first witness from the Golan described the treatment to which the inhabitants of the Golan are at times subjected by the Israeli authorities:

> "In the middle of the night houses are stormed. There is no respect, no respect for any single human right. We are Muslims, people who are conservative. We do not allow everybody to enter a house and start pulling the covers. There are women, there are girls in the house. And then, they arrest anyone as they like, just because people reject the occupation, they refuse the Israeli identity." (Anonymous witness no. 23, A/AC.145/RT.701)

730. The third witness from the occupied Syrian Arab Golan stated the following with regard to the storming of houses:

> "The authorities used to know when my brothers would be at home and when they would not be at home. They used to come to our house late at night, storm the house without any prior warning. They would storm the bedrooms and uncover the people, looking for the persons they were after. Of course, it is very upsetting to my young sisters at home. If they arrested somebody, they would give him a very harsh treatment, even inside the house first, in front of his brothers and sisters, in front of his mother. My other brothers as well, we are three in the same situation. If any event was announced, they used to carry out the arrests even before the occasion. And if there was any national occasion, even in another village, they had a list of persons whom they would arrest, whether these had anything to do with the event or not. The families would have to pay bail for the persons arrested and that would put a very high financial burden on them." (Anonymous witness no. 25, A/AC.145/RT.701)

731. The first witness from the occupied Syrian Arab Golan spoke about the general economic and social situation:

> "In general terms, I shall speak now about the living conditions. Working opportunities are non-existent. No working opportunities, extremely harsh health conditions. Those who have got the necessary income can have their family treated, but those who do not have money, they cannot. If people need surgery, they need a lot of money.
>
> "Our land is an agricultural one. The Israeli authorities prohibit the sale of agricultural produce. They control the prices, even if some crops rot. They have withheld water from us, but the land is agricultural and needs water. The lake of Masada is known to you. They have stolen the

> water of Masada to irrigate the settlements. They divert the water. This lake belongs to us, to the people of the Golan and yet, if we are to receive water from the lake of Masada, we have to pay thousands of dollars. Let alone the imposition of taxes, and the confiscation of land." (Anonymous witness no. 23, A/AC.145/RT.701)

732. The same witness described the difficulties involved in finding a job:

> "My older brother engaged in the profession of teaching for a period of two to three years. The Israeli occupation authorities tried to impose Israeli nationality on him. My brother was fired from his job, because of his national sentiment and because he refused Israeli nationality. He is now engaged in free labour and one day, he can find employment, and 10 days, there is no employment for him." (Ibid.)

733. The second witness described the situation regarding taxes and the marketing of agricultural products:

> "In terms of taxes, Israel is imposing heavy taxes on the Arab Syrian citizens, illegitimately, but simply because the people are local, Arab Syrians, and because the Israelis are occupying the land. Those who fail to pay see their house being stormed and the Israelis confiscate the television set, or a piece of furniture, or a carpet, the washing machine, whatever they find. We have heard many reports of such actions.
>
> "With regard to the marketing of agricultural products, as you know, we depend on agriculture. For years, Israel has been imposing the prices for the crops. It is Israel that determines the prices to the minimum and often it does not even cover the cost of cultivation. This has the result that we sometimes let the crops go bad rather than sell them at a loss." (Anonymous witness no. 24, A/AC.145/RT.701)

734. The same witness spoke about problems regarding irrigation:

> "I shall speak now on the problem of irrigation and irrigation water. There is a lake in our area, called the lake of Masada. There was good agricultural land around it, and a number of villages, which benefited from its water. Now, the Israelis divert the water to the southern part of the Golan and to their settlements. So, the people from our villages have had to build tanks, water tanks to collect rainwater, in order to irrigate their agricultural plots of land. And moreover, Israel went as far as to impose taxes on these systems of collecting water." (Ibid.)

735. The witness also spoke to the Special Committee about health facilities in the occupied Syrian Arab Golan:

> "The facilities provided to them are extremely limited. They do not have any laboratory for analysis. There is no X-ray equipment, whether modern or not. In fact, they can only treat superficial wounds. All other treatments have to be done either in Israeli hospitals or hospitals in Jerusalem or in the West Bank, exceptionally in Cairo. Of course, this is very expensive." (Ibid.)

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736. The third witness from the occupied Syrian Arab Golan illustrated the economic and social situation there through the example of his own family:

> "My father is a farmer. He was arrested in 1971. By the way, I am the oldest child in the family. In 1979, through a court case, he had asked authorization to come to Damascus for medical treatment. In 1984, he was allowed to come to Syria as an exceptional case, he and one other person. This is something that happened only once in the whole history of the occupied territory.
>
> "Take my own example. I am 30 years of age. Yes, I can get married if I wish to, but I cannot build a house, even if it is on my land, even if it is in the vicinity of the house in which my family lives. I tried to reclaim part of our agricultural land, because my father was unable to work. Of course, if I want to dig a well, I need a permit. But it is impossible to obtain a permit to dig a well. Therefore, I no longer have any source of income. If I want to go and work as a labourer in building or take any other job regardless of the degree that I have, I cannot, because every time there is a national occasion, or every time there is a wedding, if I go there, then it is registered in my file as acts undermining security. Even forgetting the fact that we are qualified, that we have got university degrees, that we are qualified doctors, we have no opportunity of working in our profession. And even if we wanted to work as farmers, we cannot because agriculture is facing a lot of difficulties. This gives you an idea about our social and economic conditions now, in our household. But I am one of 90 per cent of the young people of the Golan.
>
> "There are also taxes levied on us. Of course, the taxes that we pay should be in exchange for medical services and social benefits, but unfortunately we receive none of these. Of course, the taxes are increased to astronomical figures if their payment is delayed. They would also come and confiscate articles from the household, like a car or a television set.
>
> "Health care is very bad. We have no facilities to care for patients.
>
> "We always feel that there are some barriers erected between us and our families. I am 30 years of age. I studied medicine. I have four people at home who are handicapped, my father and two of my brothers as a result of their detention, and my mother. I have to work in order to help them. At my age, I feel that I am an independent person, but I have to care for my family and in view of the situation, I see myself compelled to go elsewhere, to migrate, to secure a source of living." (Anonymous witness no. 25, A/AC.145/RT.701)

737. The third witness from the Golan also spoke about the general economic and social situation there:

> "We have got diseases, which could have been prevented through vaccination, for example, and spraying to combat insects. There is a small hospital, but the medicines required are not available. If one had to go to a private clinic, this would be very costly. Although we have a high percentage of medical doctors, the situation is bad. Anyway, we have got a

> lot of intellectuals in the Golan, people who have been educated. We have got 60 or 70 doctors in the Golan, but you can consider them as labourers in the building sector. They are not allowed to open clinics. Even if a doctor wants to treat a relative, he would be threatened of invalidation or withdrawal of his degree, because he is not recognized by the State. Even if he gives a piece of medical advice, he could be faced with the possibility of his degree being invalidated, so much so that he cannot give advice to his own mother or sister!" (Ibid.)

738. The fourth witness from the occupied Syrian Arab Golan stated the following with regard to the situation of workers:

> "Speaking of the workers, I shall say that they have no rights whatsoever. For example, a worker from Majdal Shams, 23 years old, fell from a scaffolding where he was painting the house of an Israeli. He was seriously injured, lost consciousness and died one week later. The Israeli employer did not raise a finger. Another worker, from Masada, had his fingers chopped off while trimming trees belonging to an Israeli employer. No compensation was ever given to him. The Arab workers get half wages only. Because they desperately need work, they accept whatever is offered to them. They tried to convince me that they were giving me some legal papers, called 'tlush' in Hebrew. Here they are. They give the impression that with these papers, you can secure your rights. But in practice, it does not secure anything. Of course, the workers are also submitted to illegal practices on the part of the contractors. In spite of the fact that the Arab workers get only half the wages that the Israeli workers get, they have more taxes levied on their wages. I also have the names of very many Israeli companies who denied their Arab workers some of their rights and wages, like Avney Tzion and Mahleket Habeniya." (Anonymous witness no. 26, A/AC.145/RT.701)

739. The first witness stated the following regarding the freedom of movement of the inhabitants:

> "I have sisters who were born after I left the house. I have not seen those sisters. They got married. I did not attend their weddings. For how long is this going to go on? For how long do we have to be deprived? I am married and I have got four children. I yearn for my children to see my family, and for my parents to see my children.
>
> "I again submitted a number of requests to go back. But the Israeli authorities have refused to accept those requests, because the Israeli authorities are trying to empty the land of its inhabitants, especially the educated ones, especially the qualified ones like doctors, so that the people will always remain in need of the Israelis." (Anonymous witness no. 23, A/AC.145/RT.701)

740. The second witness spoke about the freedom of movement of students who study in the Syrian Arab Republic:

> "All residents of the Golan who left before 1982 to study in Damascus are denied the right to go back. There are some students now who are not

> allowed to go back for the summer holidays, even after their graduation. In fact, we are 18 persons - we might call ourselves the 'veterans' - who left before 1982 and are not granted the right to go back. We do not know for what reason Israel has excluded us." (Mr. Yasser Al Saleh, witness no. 24, A/AC.145/RT.701/Add.1)

741. The fourth witness stated the following about the freedom of movement:

> "The occupation authorities have prevented relatives from visiting each other. There are hundreds of applications that have been turned down, of people wanting to visit their relatives in Damascus. I could give you a list of examples." (Anonymous witness no. 26, A/AC.145/RT.701)

742. The first witness from the Syrian Arab Golan stated the following regarding possibilities for education of its residents:

> "I have come to Syria to pursue my university studies, because of the harsh conditions that are associated with continuing a university education in the Golan under occupation, first because of the economic difficulties and secondly because we are not accepted and cannot carry on our education in the Israeli universities." (Anonymous witness no. 23, A/AC.145/RT.701)

743. The second witness from the Golan described the difficulties regarding education:

> "After about a month, we were requested to leave. The Israeli military commander ordered us to leave for Damascus within one week, or we would not be able to go there again to get our education. Since then, we have not been able to enter our country. Israel has always denied us the right to go back.
>
> "Regarding education, at the secondary level, Israel has imposed a syllabus of its own. It is void and there are so many falsifications in terms of history, in terms of religion. We are Muslims belonging to the Druze section of Islam. Israel has been trying to make of the Druze faith a religion by itself and not a part of Islam. We have rejected that, because we belong to Islam. In terms of history and in terms of geography, Israel has been trying to falsify many things, as you know - also in terms of our language. Our mother tongue is Arabic. Israel has been trying to undermine our language, in the sense that they teach the children Hebrew from the very first year of primary school, in addition to the teaching of the second foreign language, which is English. That is a source of confusion, because you are forcing the pupils to acquire more than one language at a time. When we went to Damascus University, we felt the difference in level that separated us from our colleagues. In comparison to the students who had been in school in Damascus or elsewhere, our knowledge of Arabic was not as good.
>
> "I would like to come back to the subject of education. Israel has denied some young men access to Damascus to pursue their education. Our citizens have no opportunity to go anywhere else to study, even to any other Arab State, because they have no nationality. So, the Arab residents

of the Golan Heights are excluded from going anywhere to study, even to those Arab States that have established relations with Israel, like Egypt for instance. And not all the students who apply to go to Damascus do receive permission by Israel." (Anonymous witness no. 24, A/AC.145/RT.701)

744. The third witness stated the following about the education policy of the Israeli authorities:

> "We cannot deny that they have had their influence on primary and secondary school. They have falsified geographical and historical information, until at a certain point, they tried to make us forget that the Druze faith is still part of the Islamic faith." (Anonymous witness no. 25, A/AC.145/RT.701)

745. The same witness described his own case:

> "The reason why I had a scholarship was because it was not possible for me to pursue my studies in an Israeli university and because of the extremely difficult conditions and obstacles they place before students wishing to study there." (Ibid.)

746. The fourth witness stated the following about education:

> "On the question of education, I would like to mention that in 1995, the Israeli authorities dismantled the parents' councils. They dismissed a substantial number of teachers in spite of their qualifications. These teachers had no alternative but to look for other schools in Galilee." (Anonymous witness no. 26, A/AC.145/RT.701)

747. The same witness stated the following about the freedom of religion:

> "Only religious authorities are allowed to visit Damascus. The purpose behind this is to give the impression that the only link that keeps Syria and the Golan together is the religious link. They tell these people that they are allowed to visit Damascus in order to visit the holy places of worship in Damascus or in Syria. So, permission is given only to the people of the clergy, male, and if they are old enough." (Ibid.)

748. The first witness illustrated the situation regarding the freedom of expression:

> "According to Israeli allegations, in my own case because of the political attitude of my whole family, I was not allowed to come to Syria, myself and my brother.
>
> "He said: 'We have allowed you as students to go to Syria to study. If you behave well, if you do not interfere with anything political, then we will allow your brothers to go and study as well.' Then, they claim that there is a peace process ongoing. But, 'since there is a peace process under way and since we are approaching peace, you should not interfere with politics', they say. To our surprise, they know about all

our movements and exploit everything against us." (Anonymous witness no. 25, A/AC.145/RT.701)

749. The same witness stated the following:

"He was arrested more than once, under administrative detention procedures, for example, because he was sitting together with friends or relatives and they spoke about politics. He was brought in for questioning on 17 April last year.

"For example, if I am arrested at a checkpoint, I would be asked whether I am an Arab. If I say yes, I am made to stand on one side. But when they see my identity card and see that I am a Druze, they say: 'You are not an Arab, go on!' It is like brain-washing. They have always tried to create an amalgam between us and the Druzes of 1948 or the Druzes of Palestine, saying that the other Druzes have been part of the Israeli army, that they have jobs in Israel. That was the way they used to try to promote the imposition of Israeli identity in 1982.

"For example, there are no foreign journalists who come to the Golan to ask us how we actually live. The people who are sent to the Golan are consultants of a State, who come to ask questions and report to a State. We found out that even when the State consultants used to come and ask us about our living conditions, if we had to go to court, what we had said to the consultants would be taken as evidence against us. It is our hope therefore that there would be some little tangible results that would help us to feel that some people are aware of our problems and of the way we live." (Ibid.)

750. The fourth witness stated the following with regard to the freedom of expression:

"The Israelis have made great efforts to strangle the cultural identity of the people of the Golan. They go as far as to confiscate tapes of national songs. The people who are found in possession of such tapes are fined." (Anonymous witness no. 26, A/AC.145/RT.701)

751. The first witness, whose brother was imprisoned, described the situation of detainees:

"My brother was sentenced to 27 years' imprisonment, 27 years simply because he refused to accept the Israeli identity, simply because he resisted the occupation, although it is his legitimate right to resist occupation. Twenty-seven years is the sentence he received, and he was arrested when he was 17! He has been tortured. He has been moved from one prison to the other. He is now suffering from arthritis, he is suffering from asthma. He is in the prison of Ashkelon, close to the seaside. As a doctor, I know that the humidity on the seaside leads to asthma. There are official documents. He has sent letters to me. He says that he has asthma and arthritis and he asks me for help, as a doctor. How could I treat him through a letter? There in prison, he asked to see a doctor and nobody comes to see him. He is not given any treatment. This is an example also

> of what the others are going through as well." (Anonymous witness no. 23, A/AC.145/RT.701)

752. The same witness spoke about the situation of his second brother, including the conditions of detention:

> "Then my second brother, who is called Hussein. He has been resisting occupation. For one year, he was persecuted. That is something that happened last year. Finally, he was arrested. And then he had a sentence of two months. He was tortured. I, as a doctor, know. He was beaten on his legs, and one leg is paralysed. My brother Hussein was the one the household relied on. My father is 70 years of age. My mother is 60. Who is going to support the household?
>
> "I am telling you of facts, I am telling you of facts, because I receive letters from my brother in prison. He tells me of his suffering. He does not see the sun, except one half hour every day. The family members go to visit him every other week and they are allowed to see him for one half hour only. They move the prisoners from one prison to the other. The sufferings that the families undergo! Every time they travel, it takes them 10 hours, 10 hours in order to spend half an hour with their child." (Ibid.)

753. The second witness stated the following about the situation of his own brother:

> "He was arrested on account of resistance to the Israeli occupation. He was subjected to ill-treatment in the Israeli prisons. They transfer him from one prison to the other. My family members have seen with their own eyes how ill-treated he is. At one time, they saw him being beaten with clubs by Israeli soldiers. During this event, they saw someone getting injured. My brother has been in detention since 1985 and has a sentence of 25 years." (Anonymous witness no. 24, A/AC.145/RT.701)

754. The same witness also spoke about his second brother, whose health had deteriorated as a result of his detention:

> "My other brother, the one who was detained from 1985 till 1989, cannot do much. He can only work a little in agriculture, because his physical condition has deteriorated as a result of his detention for four years and of the torture he was submitted to. Since 1989 until now, he has been subjected to repeated arrests, the latest of which was on 5 June this year. I do not know the situation right now, whether he is still under arrest or whether he is free. I have no idea." (Ibid.)

755. The third witness stated the following about the treatment of detainees:

> "All my brothers have been arrested at one time or the other. All of them have suffered injuries of some kind because of ill-treatment. One of them is paralysed as a result of beatings he was exposed to in prison. One of my brothers was administratively detained under the age of 17 years (the same brother who was not allowed to come here). He was dismissed from

> school. He was arrested at the time of the exams." (Anonymous witness no. 25, A/AC.145/RT.701)

756. The fourth witness stated the following regarding the current situation of detainees:

> "At the beginning of this year, some of the detainees and their families went on hunger strike. As a result, the detainees got scattered around in the Israeli prisons, to Talmond Hasharon for example, on the Israeli coast, where they were imprisoned together with murderers and drug traffickers." (Anonymous witness no. 26, A/AC.145/RT.701)

757. The second witness stated the following about land confiscation:

> "There is another matter I want to speak about and that is the confiscation of land. Part of the land we owned has been confiscated, together with land belonging to many other people, for building Israeli settlements or military sites." (Anonymous witness no. 24, A/AC.145/RT.701)

758. The third witness from the occupied Syrian Arab Golan spoke about his own situation:

> "We, in our household, have seen much of our land confiscated. We have got land here. I was born in Quneitra, in 1966. We have a house here in Quneitra. It is in ruins. After the war, my father went to live with my grandfather. In 1973, we were offered money in exchange for the land. But my father refused. They had opened for him an account with the money in payment for the land in a bank. We did not know about that. It was tantamount to saying that he had sold the land. They let him under the illusion that 'whether you like or not, this land has become ours now and therefore we have put the money in the bank and it is better for you'. We did not take any notice of the sum of money that they had placed at our disposal in the bank." (Anonymous witness no. 25, A/AC.145/RT.701)

759. The same witness stated the following about the living conditions of Israelis in the Golan:

> "But we see the kibbutz not far from us. It is separated from us by a road only. About 100 people live in the kibbutz. They have a school. They have a clinic and they have an ambulance. They have a theatre. They have gardens. They even have traffic lights, for 100 people!" (Ibid.)

760. The fourth witness provided the Special Committee with the following information:

> "Land is confiscated in favour of the settlements and the military installations. I will cite an example. The land of Tel Al-Sheikha was confiscated for the kibbutz Alon Habashan and the kibbutz El Rom. The same happened in the area of Tel Al-Ahmar, where an area of vineyards called Baq'ata was confiscated for the establishment of a settlement. The

Israelis prevent the people from collecting rain water in tanks." (Anonymous witness no. 26, A/AC.145/RT.701)

761. The references relating to the above subject may be found in document A/AC.145/RT.701 (anonymous witnesses).

Written information

762. On 5 May 1996, the Golan Regional Council launched a campaign to bring 1,000 new residents to the region by the end of the summer. The Council Chairman declared that the campaign was part of a programme to continue the development of the region and increase its population. He stated that there were 250 homes almost ready for habitation in some 32 settlements and noted that many of the potential buyers would be eligible for loans and grants covering most of the purchasing price. In addition to the 250 housing units, a campaign to attract newcomers was scheduled to be launched during the coming months, once infrastructure work on 200 additional housing units had been completed. In another development, the head of the Katzrin Local Council, Sami Bar Lev, reported that the last apartment in two new neighbourhoods consisting of 700 housing units in the settlement had been sold three months earlier and that the Ministry of Housing had approved the construction of an additional 100 housing units in the settlement. This was in addition to a new Build Your Home project planned to encompass 35 plots of land. Mr. Bar Lev remarked that the settlement's population had increased from 4,000 to approximately 6,000 over the past three years. (Ha'aretz, Jerusalem Post, 6 May)

763. On 22 May, it was reported that hundreds of families had applied for housing in the Golan Heights since the campaign to populate the region was launched on 5 May. Potential buyers were offered low housing prices, high mortgages of up to 90 per cent of the value and subsidies of NIS 50,000. The 275 housing units and 150 plots designated for Build Your Home projects were reportedly ready for habitation in the settlements of the Golan and Katzrin Local Councils. (Ha'aretz, 22 May)

764. On 27 May, Foreign Minister Farouk Shara of the Syrian Arab Republic stated that should Benjamin Netanyahu win the Israeli general elections, all chances for peace in the region would be shattered. Mr. Shara stated that Mr. Netanyahu's vow of never returning the occupied Golan Heights to Syria was a call for war. "He who claims the possibility of achieving peace and security while keeping the Golan and other Arab Lands", Mr. Shara observed, "is calling for war and not for peace." (Jerusalem Post, 28 May)

765. On 17 June, in its various official media, the Syrian Arab Republic charged that Benjamin Netanyahu's government platform risked sparking a regional war and was full of hate towards Arabs. In addition, Syria stated that it would not go back one inch on its demands for full Israeli withdrawal from the Golan. (Jerusalem Post, 18 June)

766. On 24 June, it was reported that the Katzrin Local Council was planning to expand the industrial zone near the settlement in order to meet the demand for more factory space. The local council spokesman indicated that the expansion of the industrial zone was expected to attract new companies to the region, which,

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together with the projected expansion of existing companies, would create numerous new jobs. (Jerusalem Post, 25 June)

767. On 8 July, the Prime Minister met with settlement leaders from the Golan and told them that he had accepted the Golan 2000 plan. The plan envisaged earmarking funds to set up new factories in the Golan; building additional housing units in 10 settlements; and increasing the Golan settler population by some 10,000 persons over the next four years. Mr. Netanyahu told the leaders that he intended to appoint a committee that would deal with the items on the agenda of settlements in the Golan. He also expressed his firm commitment to maintaining Israel's sovereignty over the region. "We would work for the strengthening of settlements," Mr. Netanyahu stated, "accelerate the development of roads and invest in infrastructure in the Golan in order to create a favourable environment for entrepreneurs to invest there." At the conclusion of the meeting, the head of the Golan Local Council stated that for the first time in a long period he felt reassured regarding the future of the Golan and was not fearful that the Government would uproot settlements in the region. (Ha'aretz, 9 July)

768. On 22 July, National Infrastructure Minister Ariel Sharon ordered the Public Works Department to finish the construction of two new bridges on the upper Jordan River. The purpose of building the two bridges was to facilitate and provide safer access to and from the Golan Heights. (Jerusalem Post, 23 July)

769. On 24 July, the Druze residents of Mas'ada village in the northern Golan broke into an Israeli police station and burned it to the ground. They then pulled down an Israeli flag from the station's flagpole and hoisted a Syrian flag in its place. The police indicated that the station was often closed at night and was empty at the time of the incident, but that it would henceforth be manned 24 hours a day. (Jerusalem Post, 27 July)

770. On 9 August, it was reported that the Housing Ministry had sold 38 apartments in the Katzrin settlement during the first half of 1996. (Ha'aretz, 9 August)

771. On 31 August, the Syrian Arab Republic strongly denounced Israel's settlement policy, stating that the Prime Minister was preparing for a war against the Arabs. Damascus Radio stated that the steps taken by the Israeli Government, in particular its decisions on settlement expansion, confirmed the fact that having contacts with the Israeli Government inflicted great damage to the Arab cause. (Ha'aretz, 1 September)

772. On 20 September, officials in Jerusalem announced that peace talks with the Syrian Arab Republic were unlikely to resume in the near future. The officials reiterated that Prime Minister Netanyahu had refused to accept as binding previous unwritten understandings concerning the Golan but had stated only that Israel was willing to examine ideas presented in the past. (Jerusalem Post, 20 September)

773. On 18 September, it was reported that according to local Golan residents, the IDF had gone on alert on the Golan Heights and especially on Mount Hermon

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during the previous days. The residents stressed, however, that despite the increase level of alert and some additional training exercises, the atmosphere in the region was calm. The exercises, although officially described as routine, were reportedly viewed as cautious countermoves to the Syrian army's redeployment in Lebanon and the Syrian Arab Republic itself since the end of August. (Jerusalem Post, 18 September)

V. CONCLUSIONS

774. The following conclusions have been formulated on the basis of the information reflected in the two periodic reports and in the present report of the Special Committee. They have been prepared in accordance with the mandate of the Special Committee under the terms of General Assembly resolution 50/29 A. Since the twenty-seventh report was adopted on 18 August 1995, the conclusions thus cover the period from 19 August 1995 to 20 September 1996. The two periodic reports cover the period from 19 August to 31 December 1995 (A/51/99) and from 1 January to 31 March 1996 (A/51/99/Add.1), respectively. The present report concerns the period from 1 April to 20 September 1996.

775. The important events as well as the number of incidents that have taken place in the region during the period under consideration and the large amount of information on the human rights situation received and examined by the Special Committee may not have been reflected in their totality in these reports for the reason hereinafter stated. Nevertheless, the Special Committee has endeavoured, within the constraints imposed by the regulations concerning the length of United Nations documents, to include in its reports, as faithfully as possible, samples of the information in order to illustrate in the best possible manner the situation of human rights in the occupied territories during the period under review.

776. Since its establishment in 1968, the Special Committee has repeatedly tried to obtain the cooperation of the Government of Israel but has consistently been denied such cooperation and thereby access to the occupied territories. During the period covered by the present report, the Committee has once again addressed a letter to the Secretary-General seeking his intervention in order to convince the Israeli authorities to cooperate. In addition, the Special Committee addressed a letter to the Permanent Representative of Israel to the United Nations Office at Geneva seeking the cooperation of his Government. Regretfully, the Israeli authorities have continued to withhold their cooperation from the Special Committee.

777. In its letter to the Permanent Representative of Israel, the Special Committee expressed its interest in visiting the occupied territories so as to be able to observe at first hand the conditions prevalent there and to gather the most direct information on all questions pertaining to its mandate. The Special Committee regrets that in the 27 years since its creation, it has never been given the opportunity to visit the occupied territories. It once again appeals to the Government of Israel to give it access to those territories, enabling it to learn directly from both sides the reality of the developments that have taken place and to contribute in the most effective way to the enjoyment of all human rights by all inhabitants of the occupied territories.

778. Nevertheless, the Special Committee has once again benefited from the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic, of various Palestinian representatives and of the United Nations offices in the field, in particular the United Nations Development Programme (UNDP), and of the United Nations information centres.

779. As it has been prevented from visiting the occupied territories, the Special Committee has conducted, in addition to its regular meetings at Geneva, a series of meetings at Cairo, Amman and Damascus, where it travelled from 21 to 30 June 1996. It heard the testimonies of 26 persons with first-hand knowledge and personal as well as recent experience of the situation of human rights in the occupied territories. In addition, the Special Committee followed the situation in the occupied territories on a day-to-day basis through reports appearing in the Israeli press and the Arab press published in the occupied territories. The Special Committee also examined a number of valuable communications and reports from Governments, organizations and individuals concerning the occupied territories that reached it during the current reporting period.

780. In addition, the Special Committee took note of the report of the Special Rapporteur of the Commission on Human Rights to investigate Israel's violations of human rights in the Palestinian territories occupied by Israel since 1967, Mr. Hannu Halinen (E/CN.4/1996/18 of 15 March 1996).

781. The period covered by the Special Committee's current report follows the signing at Washington, D.C., on 28 September 1995 of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the so-called Oslo II Agreement) and the elections for the Palestinian Council and chairmanship of the Palestinian Authority on 21 January 1996. These historic events, which were preceded by the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993 (A/48/486-S/26560, annex) and by the signing at Cairo on 4 May 1994 of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area (A/49/180-S/1994/727, annex), gave rise to great expectation and hope among the population of the occupied territories and the international community that a new era of peace, security and hope for the people of the Middle East would be ushered in, enabling them to live in harmony, dignity and mutual respect. However, in the report that it presented to the General Assembly covering the period after the signing of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area (A/50/463), the Special Committee concluded that the situation of human rights in the occupied territories had not improved and had in certain respects even deteriorated further. This was also reflected in the testimony of the overwhelming majority of witnesses.

782. On the basis of the information and evidence placed before it, the Special Committee has concluded that the situation of human rights in the occupied territories during the period covered by the present report has deteriorated remarkably since the beginning of the peace process, contrary to expectations. The Special Committee observed from the testimony of the numerous witness who appeared before it and from official representatives of the concerned Governments and from Palestinian representatives a general sense of disappointment and despondency in the face of the continuing violations of the

human rights of the people in the occupied territories. It became apparent that even in the areas where there had been a transfer of limited spheres of authority to the Palestinian Authority, there had been no improvement in the lot of the Palestinian people. It appears that in some areas there has been a deterioration, which has increased their suffering. Among the principal human rights concerns during the period under review, by far the most serious aspect of the current human rights situation in the occupied territories is the significant decline in economic and social conditions as a result of the virtually hermetic closure that has been in effect since 25 February 1996, imposed in the wake of suicide bomb attacks in Israel in which a total of 63 persons were killed and hundreds wounded. The closure has had particularly disastrous consequences on the Gaza Strip and has been eased only partly to date. An equally important factor contributing to the deterioration of the human rights situation is the severe restrictions of the freedom of movement throughout the occupied territories, as well as between their parts and Israel, as a result of the closure, which have entailed particularly negative consequences for health and education. The attention of the Special Committee was also drawn to the situation of Palestinian prisoners in Israeli prisons and their deteriorating conditions of detention. Israeli interrogators have continued to use extremely harsh methods against persons suspected of having committed security offences. A continuing and increasing source of tension in the occupied territories has been the existence and unabated expansion of Israeli settlements and the building of bypass roads. Of particular concern is the recent decision of the Israeli Government to continue the expansion of settlements in the occupied territories. Human rights violations in the occupied territories are more fully dealt with seriatim below.

783. In order to make a better evaluation of the situation of human rights in the occupied territories, the competences of the Israeli Government and of the Palestinian Authority and Council should be borne in mind. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip outlined the jurisdiction of the Palestinian Council, which was inaugurated on 7 March 1996, dividing it into areas: A, B and C. Area A, to be under Palestinian control, consists of the major Palestinian towns and cities in the West Bank; area B, to be controlled jointly by Palestinians and Israelis, is composed of Palestinian villages in the West Bank; while area C encompasses Israeli settlements, bypass roads and military zones. The Israeli army started to redeploy in October 1995 and withdrew from the West Bank cities of Jenin, Tulkarm, Nablus, Kalkiliya, Bethlehem and Ramallah. The withdrawal from Hebron was ultimately postponed until after the Israeli elections on 29 May 1996, as a result of the suicide bomb attacks perpetrated in Israel in February and March, and had not taken place at the time of finalizing the present report. It should be recalled that several spheres of authority in the autonomous areas were transferred to the Palestinians. However, the spheres of foreign affairs, external security and imports and exports remain solely under the control of Israel. The borders and internal security of the autonomous areas are under joint Palestinian and Israeli control. However, these areas do not have sovereignty and therefore all of the territories remain occupied and in substance all the areas remain under the overriding control of the Israeli authorities.

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784. In the wake of the suicide bomb attacks perpetrated in Israel on 25 February and 3 and 4 March, the Israeli authorities implemented various measures that amount to collective punishment of the Palestinian population of the occupied territories. The measure with the most serious and wide-reaching consequences was the total closure of all parts of the occupied territories and their isolation from each other. The closures of the occupied territories began in 1991, as confirmed by a witness who spoke before the Special Committee:

> "As you well know, the closure was imposed in practice in 1991, following the Gulf War, and has never been lifted since. It has been increased or decreased according to several Israeli considerations, but no freedom of movement for all Palestinians was ever returned since 1991. Strange as it may sound, since 1993 and the signing of the Oslo Accords, actually the closure became more intense, more problematic."

The Special Committee was informed that from April 1988 to April 1993 the days of closure had amounted to a total of 99 days. By contrast, from 1994 until 8 March 1996, there were 270 days of closure.

785. Since its introduction, the closure of the occupied territories has never been as strict as that imposed on 25 February 1996 in the wake of four suicide bomb attacks that took place in Israel. For the first time, the West Bank was subjected to a total internal closure, which blocked the inhabitants of the 465 villages populated by Arabs inside their localities. Most of the localities inhabited by Palestinians are surrounded by areas under Israeli control, which has led to the comparison of the map of the West Bank to a leopard skin. This was the first time that no movement was allowed within the occupied territories themselves. A witness who testified before the Special Committee described the feeling of the Arab population of the occupied territories as being in a large detention centre. Although the Gaza Strip and West Bank constitute one territorial unit according to the Oslo Agreements, the safe passage of persons, vehicles and goods between them has not been implemented. Despite the fact that the closure has been eased recently to a certain extent, its effects on the economic and social well-being of the population of the occupied territories have been disastrous and have caused much suffering given the absence of a developed economic infrastructure after 28 years of occupation. One worker described the closure as an economic policy pursued by Israel in order to oblige Palestinians to surrender to their wishes. The effects of the closure have been particularly devastating for the inhabitants of the Gaza Strip.

786. In his report to the International Labour Conference at its 83rd session, the Director-General of the International Labour Office (ILO) stated:

> "There is no evidence of the effectiveness of these stringent measures against terrorism, and the resulting economic pressure can only increase the population's resentment."

In its issue of 3 August 1996, The Economist magazine quoted a member of the Israeli Parliament belonging to the Likud Party and former official of the Shin Bet intelligence service as saying: "Closure is simply a psychological punishment".

787. Shortages of staple goods such as flour, sugar and fuel were reported in the Gaza Strip only days after the imposition of the closure. As all imports were interrupted, no raw materials for industry and construction could enter Gaza, resulting in the closing of a number of businesses and laying off of workers. Disillusion has reportedly led numerous Palestinian investors who had returned to the occupied territories after the signing of the Oslo Agreements to leave. The fields of agriculture, textile and cut flowers were particularly affected. The lack of possibility to export has led to the plummeting of prices, especially for agricultural produce. A farmer from Gaza informed the Special Committee that he did not feel it was worth it to dig out his potatoes when the price of a 20-kilogram box amounted to $1. On the other hand, a sack of flour reportedly cost 180 Egyptian pounds (approximately $50). It is estimated that Israel accounts for more than 80 per cent of the direct foreign trade of the occupied territories. The current hermetic closure has also had devastating effects on the economic situation in East Jerusalem, where the volume of sales has reportedly fallen by 80 per cent. It has also been stated that shopkeepers in the West Bank have lost 90 per cent of their business.

788. The Special Committee's attention was drawn by several witnesses to the situation of several thousand Gazan fishermen, who constitute the third most important sector of the economy there. Under the closure, fishermen were first not allowed to go out to sea. They were subsequently allotted specific hours during which they were allowed to fish. It has been reported that fishing boats have been attacked and torpedoes fired at the nets. In addition, fishermen were allowed to go only 3 miles offshore, which is considerably less than the usual limits of territorial waters.

789. In the West Bank, in addition to the closure, another measure amounting to collective punishment was the curfews imposed on numerous Palestinian villages in the West Bank. A particularly strict curfew was imposed on the Fawwar refugee camp near Hebron, from which two of the suicide bombers involved in the recent attacks reportedly originated. Severe shortages of staple goods such as wheat, sugar, oil and dairy products were reported.

790. The recent closure has had extremely serious effects for Palestinian workers from the occupied territories who work in Israel, especially those coming from Gaza. It is estimated that some 58,000 Palestinian workers were employed in Israel prior to the suicide bombings in February and March 1996. The situation of Palestinian workers, most of whom support large families, has frequently been cited as the most serious consequence of the closure, entailing dramatic income loss. It is estimated that some 100,000 Palestinian workers from the West Bank and Gaza Strip and consequently their families are affected by this measure. It is calculated that a Palestinian worker supports an average of 10 persons. At least 10 per cent of the population of the occupied territories are believed to live below the poverty line. In spite of the emergency employment programme proposed by the United Nations Special Coordinator in the Occupied Territories, the Palestinian Authority has estimated the losses resulting from the current closure at more than $6 million per day, which is greater than the financial assistance provided by foreign donors.

791. At present, the largest number of jobs in the autonomous areas is provided by the Palestinian Authority (approximately 50,000) and the United Nations

Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (approximately 5,000). Many persons in these areas are also underemployed. A witness who testified before the Special Committee described that one of the ways in which the Palestinian authorities have tried to remedy the situation was by offering a wage of NIS 10 (approximately $3) per day for the cleaning of streets, an amount barely sufficient to buy food. On 1 April, several demonstrations against the closure were staged in Gaza, including a 12-hour hunger strike in front of the office of the United Nations Special Coordinator in the Occupied Territories.

792. In his report to the 83rd session of the International Labour Conference, the Director-General of ILO stated:

> "Ironically, since the peace process began unemployment and underemployment in the territories have increased dramatically. As a result of measures taken in the wake of repeated terrorist incidents, job opportunities in Israel have dwindled and economic activities within the territories have been stifled by closures and related restrictions on trade."

793. In view of the frequent and prolonged closures of the occupied territories, Israeli employers have continued to replace Palestinian workers with foreign labour. The Director-General stated the following in this connection:

> "With the passing years, Israeli employers have grown weary of this forced absenteeism of the Palestinian workforce, and after a great deal of reluctance and wavering, they have obtained government authorization to call in foreign workers (in particular from China, Romania, Thailand and Turkey), who have gradually replaced Palestinians, especially in construction."

794. It is estimated that the number of foreign workers in Israel currently stands at approximately 100,000. In addition, it is also estimated that there are some 100,000 illegal foreign workers. The new Israeli Government announced recently that the number of Palestinian workers who would be allowed to work in Israel would be raised to some 50,000. When the worker contingent was raised after the Israeli elections, not all workers were issued permits for lack of a sufficient number of Israeli personnel to process the permits. The effects of the present closure have been described as the most devastating since the beginning of the Israeli occupation in 1967.

795. One of the most disastrous consequences of the current closure are the severe restrictions imposed on the freedom of movement of the inhabitants of the occupied territories. These restrictions have on several occasions had a catastrophic effect on the lives and health of the population of the occupied territories. Some 10 persons have died as a result of not having access to well-equipped health institutions in Israel or other parts of the occupied territories. One patient who was in critical condition died after reportedly waiting for 10 hours at a roadblock. The deaths concern all age groups: a number of newborn infants who died because their mothers were not given access to hospitals, a child who died of asthma and persons with lung or renal insufficiencies, or young and elderly persons suffering from heart ailments.

Some of these persons died at Israeli checkpoints while others died on their way and were pronounced dead once the ambulances carrying them managed to reach a health centre. At the beginning of the most recent hermetic closure, even emergency cases involving children and patients suffering from serious chronic diseases and requiring regular treatment such as chemotherapy or dialysis were not allowed into Israel or parts of the occupied territories in which they do not live. On 11 April, it was announced that a number of Palestinians seeking emergency medical treatment would be allowed to enter Israel. It has been reported that a very restricted number of cancer patients were subsequently allowed to cross the checkpoints, but that this was not the case with cardiac patients. According to witnesses, only 10 per cent of the requests were granted.

796. In addition to the patients, the movement of health workers and medical personnel also came to a standstill during the most recent closure. It should be recalled that the Israeli occupation authorities left behind them an insufficient and badly equipped medical infrastructure in the Gaza Strip. Besides social, educational and cultural institutions, there are 25 health institutions in Jerusalem, including the three best equipped hospitals providing services to Palestinian patients. The Special Committee was informed that the volume of referral to these centres had declined by 60 per cent. Each new closure invalidates all previously issued entry permits. Lengthier and more tedious procedures for issuing permits have reportedly been introduced recently, with no written and public processing mechanism and formal criteria and the concomitant absence of an appeal mechanism. Palestinians normally need three different permits to commute between the Gaza Strip and the West Bank. The Special Committee was informed that some 68 per cent of the medical personnel working in Palestinian health institutions in East Jerusalem come from the West Bank and Gaza Strip. Some 318 doctors and 705 nurses and other medical staff were not able to reach their places of work. It was reported that at the Makassed Hospital in East Jerusalem, which usually has full occupancy, 220 out of the 264 beds were empty during the closure.

797. The problem regarding permits issued to Palestinians to enter Israel is that they can remain in Israel only between 5 a.m. and 7 p.m. If a person who is part of the medical staff of Palestinian health institutions in Jerusalem is discovered to be spending the night in Israel, they are prosecuted and brought to court. Recently, 245 clinics in the West Bank were unable to function as a result of the closure. In addition to the situation regarding medical personnel, serious shortages of vital medical supplies such as oxygen, medicines such as antibiotics as well as those for heart and kidney ailments and high blood pressure, sterile water and vaccines were reported, in particular in the Gaza Strip.

798. The limited duration of the stay in Israel is rendered more difficult by the amount of time it takes persons from the occupied territories to arrive at their places of work in Israel, after an average of two hours spent at crossing points:

> "Three hours. I leave my house at 4 o'clock in the morning. I arrive in Tel Aviv at 7.30 in the morning. The distance is only 100 kilometres,

> it should not take more than one hour. "I finish work at 4 p.m. and I arrive home at 7 p.m."

Considerable obstacles are reported to also be placed on the export of goods from the occupied territories since the inspections, which may be repeated, can last up to 8 or 10 hours. It has been alleged that lorries with goods have on occasion been delayed for as long as two or three days. Large quantities of perishable produce are often thrown away afterwards.

799. Apart from limiting the number of permits issued to Palestinians, the Israeli authorities also impose conditions regarding eligibility. Workers who were recently allowed to enter Israel reportedly had to be over 40 years of age, married and fathers. It has been alleged that high-ranking officials of the Palestinian Authority and members of the Palestinian Council have been denied access to Israel and other parts of the occupied territories despite being holders of VIP passes. On 12 June, 20 members of the Palestinian Council were prevented from leaving Gaza when they refused to be searched at the Erez checkpoint. In addition to Israel and other parts of the occupied territories, Palestinians can also not travel abroad. Some had the impression that it was easier to reach Europe than another part of the occupied territories.

800. In addition to the measures cited amounting to collective punishment, the Special Committee's attention has been drawn to the continued harassment of Palestinians at checkpoints, sometimes in an arbitrary manner. It was told about the death on 13 June of a 34-year-old patient with a serious heart condition who was trying to pass the Erez checkpoint on his way to a hospital in Tel Aviv. According to eyewitnesses, he was asked by the Israeli soldiers to repeat his name, write it on a piece of paper and indicate the number of his identity card - all while being in an ambulance under artificial respiration. The Special Committee was also told about the treatment of Palestinian workers at the Erez checkpoint called "hallabat" in Arabic, which means the milking of cows. The workers pass through gates at the end of which a soldier searches them and subjects them to a check. It is only after these checks that the worker's documents are fed into a computer and he is allowed to enter Israel. The same procedure is reportedly repeated on the way home. The Special Committee was told that workers are beaten for any "mistake". The witness stated that "the Palestinian worker has to be deprived of all his human personality".

801. Palestinians suspected of having committed offences, including minors, have on occasion been severely beaten by Israeli civilians, soldiers and policemen. Palestinians have also been beaten and harassed in a completely arbitrary manner by Israeli forces and civilians, including settlers. The Arab population of the occupied territories has continued to complain about the damage inflicted on their homes and property as well as the theft of valuables during searches and raids by the Israeli army or security forces or during rampages of settlers, especially in Hebron.

802. The freedom of movement of Palestinians is also restricted to a certain extent within the Gaza Strip. Israel controls some 30 per cent of the Gaza Strip and the Palestinian population is not allowed to use certain roads near settlements and military areas. In addition, there are other roads where

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Palestinians cannot drive alone in a car, on the pretext of security considerations.

803. The closure of the occupied territories has had particularly adverse effects on the situation regarding education. After the imposition of the hermetic closure on 25 February, OC Central Command issued an order on 11 March that all students from the Gaza Strip studying in educational institutions in the West Bank should immediately report to the Civil Liaison offices in order to register prior to being transported to Gaza. Some 370 students were arrested when their dormitories were raided on 28 March by paratroopers, members of undercover units and policemen. The students were reportedly blindfolded and tied before being taken for questioning. According to witnesses who testified before the Special Committee, after their release the students were humiliated by having a sign reading "To be shipped to Gaza" pinned to their backs. Among the students arrested, some 280 were from Bir Zeit University, which reportedly amounts to 10 per cent of its student body. It is estimated that some 1,200 students have been affected by this measure, thereby losing their academic year. Some 20 per cent of students and 50 per cent of teachers in the West Bank were unable to reach their schools as a result of the closure.

804. After the four suicide bombings, the Israeli Government decided in March to close a number of educational, social and charity organizations in Jerusalem and Hebron as well as publications affiliated with Islamic movements. The institutions closed in Hebron were the Islamic College; the University of Hebron, with 1,700 students; the Polytechnic Institute, with 900 students; the Islamic Charity Association; and the Muslim Youth Association. The institutions closed in the Jerusalem area were the Faculty of Islamic Sciences in Abu Dis, Jerusalem Municipality, with 520 students; the Abu Dis Faculty of Science and Technology, with 1,050 students; the Committee of Islamic Science in Jerusalem; the Holy Land Assistance and Salvation Fund; and the headquarters of the Centre for Islamic Culture and Sciences in Dhahiyet Al Barid.

805. The restrictions imposed on the freedom of movement resulting from the closure have restricted the access of worshippers to Muslim and Christian holy sites, especially in Jerusalem. During the month of Ramadan, in addition to persons with Israeli identity cards, only persons from the West Bank aged over 30 who had a permit to enter Israel were allowed into Jerusalem and the Temple Mount. The inhabitants of Gaza, however, were prevented from coming. A number of mosques have been raided and closed in the West Bank during the sweeping military operations in the wake of the suicide bombings. The Special Committee noted with concern the information submitted to it by the Government of Jordan regarding the demolition by the Israeli authorities in January 1996 of a mosque located in the Nabi Yacoub quarter of Jerusalem. In addition, the Israeli authorities began the construction of a wall at the Muslim holy site of Rachel's Tomb near Bethlehem. The Special Committee also noted that members of the Temple Mount Faithful, Hai Vekayam and Kahane Hay movements have recently been allowed by the Israeli authorities to enter the Temple Mount compound in Jerusalem where the Al-Aqsa Mosque is located. In a positive development, the Special Committee noted that the Islamic Waqf and the Sharia Court moved back into their premises in the centre of Hebron on 6 September 1995. It noted, however, that The Jerusalem Times had reported on 10 May 1996 that the then

Israeli Prime Minister had insisted that Israel retain full control of the Ibrahimi Mosque in Hebron.

806. In the course of the current reporting period, the Special Committee followed the situation of Palestinian prisoners closely. In accordance with the Oslo Agreements, 1,200 Palestinian prisoners were released in October 1995 while some 800 were released in January 1996. The remaining 36 female Palestinian prisoners have not been released to date. According to the information currently available to the Special Committee, no new releases have been announced. Prior to withdrawing from the West Bank towns mentioned above, the Israeli authorities transferred all Palestinian prisoners from the West Bank to prisons inside Israel, in violation of the Fourth Geneva Convention.

807. There are currently some 3,300 Palestinian prisoners in Israeli detention centres, some 140 of whom are minors. After the suicide bomb attacks in Israel in February and March, it has been reported that homes and mosques in numerous Palestinian villages in the West Bank were raided and it is estimated that some 1,200 to 1,300 persons were arrested. Among those arrested were sympathizers of the Hamas and Islamic Jihad movements or persons believed to be linked with the suicide bomb attacks, relatives and male family members of the suicide bombers' families as well as other persons suspected of being connected with persons involved in security offences. It has been alleged that minors who were sitting in mosques after the prayers with Hamas activists were accused of membership in Hamas. More than 200 of the persons arrested are reported to have subsequently been placed in administrative detention. It should be recalled that the period of administrative detention has been increased from six months to one year and is renewable. It is estimated that some 1,200 persons from the occupied territories were arrested during this operation and that the use of administrative detention has increased significantly. It has been reported that more than 5,000 Hamas and Islamic Jihad activists have been rounded up since the beginning of the arrest operation, including in area A. There are currently some 372 Palestinians in administrative detention, 92 of whom have had their period of detention renewed more than once. The sentences of some 65 administrative detainees have reportedly been renewed more than three times. It has been reported that there is a prisoner who has spent 42 months in administrative detention since it has been renewed seven times. The Special Committee was informed about the case of a 15-year-old Palestinian boy who is currently in administrative detention because he was related to a suicide bomber and reportedly constitutes "a threat to the security of the region".

808. In addition to arresting the family members and relatives of suicide bombers, the Israeli authorities have also demolished the houses belonging to their families. Some eight houses were demolished in this connection; one house was reportedly demolished by mistake. In addition, parts of houses where suicide bombers used to live were reportedly sealed. Houses owned by Palestinians have continued to be demolished for alleged lack of building permits. Houses are also demolished on the same grounds in the vicinity of settlements to allow for their expansion. It is estimated that some 400 Arab-owned houses have been demolished in the occupied territories since the beginning of the uprising at the end of 1987.

809. The closure imposed on the occupied territories has been particularly harsh for Palestinian detainees. In view of the fact that they are detained in Israel and given the severe curtailment of freedom of movement of the inhabitants of the occupied territories, Palestinian detainees have been cut off from their families and in numerous cases also from their lawyers since the beginning of the closure, in clear violation of the Fourth Geneva Convention. Permits to visit prisoners have reportedly only been issued for children aged 3 or 4 with their mothers. This situation has particularly serious psychological consequences for minors who are subjected to the same treatment and conditions of detention as adults. The Special Committee was informed that the messages of families to prisoners were broadcast through Palestine Radio. The lack of access of lawyers from the occupied territories to Palestinian prisoners may also imply additional costs for the family. If a lawyer from the occupied territories cannot enter Israel, a Palestinian lawyer from Jerusalem affiliated with the Israeli Bar Association or an Israeli lawyer have to be hired. The Special Committee was informed that if a Palestinian lawyer charges $300 to defend a client, families may be obliged to pay $3,000 to an Israeli lawyer.

810. The conditions of detention of Palestinian prisoners are said to have deteriorated further since the signing of the Oslo Accords. The Special Committee has been informed that when prisoners protest against their conditions of detention, the Israeli prison authorities answer that it is not worth improving them since the prisoners will be released soon anyway under the peace agreements. It has been reported that some of the gains made by the prisoners as a result of hunger strikes in the past have now been lost. It has been indicated that prisoners previously detained in 20 detention facilities have now been grouped into 5, thus aggravating the already existing overcrowding. In addition to overcrowding, inadequate clothing, frequent transfers and poor food, one of the most serious complaints voiced by prisoners is the persistent lack of medical care, including serious operations and psychiatric care. The Special Committee was informed that 350 prisoners currently required medical care in a hospital. Detention facilities are reportedly not properly equipped to receive juveniles. It has been reported that since 10 September 1995 six Palestinian detainees have died in Israeli prisons and detention centres.

811. One witness who testified before the Special Committee described the conditions of detention at the Ansar tent detention camp in the Negev desert: tents were clustered in groups of five or six and 40 to 42 detainees are assigned to each; the tents are surrounded by barbed wire and guard towers; prisoners from one tent are not allowed to speak to prisoners from other tents; tear bombs are used to disperse prisoners during protests; prisoners are woken up at 2 o'clock in the morning for a head count; head counts take place three to four times a day; at dawn, prisoners have to lift the edges of the tent so that the soldiers can see that no one is sleeping.

812. Palestinian prisoners have continued to be subjected to methods of interrogation that amount to aggravated forms of torture. It should be recalled that "exceptional dispensations" allowing for the use of "moderate physical and psychological pressure" (in contravention of the Third and Fourth Geneva Conventions) were given by an interministerial committee to the Israeli GSS interrogators in October 1994 and have been renewed every three months without interruption. The methods, such as violent shaking, are applied in accordance

with secret guidelines and may cause lethal brain haemorrhages and lead to the death of the detainee, as was the case with the Palestinian detainee who died as a result of interrogation in April 1995. Some detainees have reportedly undergone harsh interrogation for more than a month. It has been reported that the exceptional dispensations also grant immunity to the interrogators in the event of the death or permanent or temporary incapacitation of the detainee. The Special Committee was informed about the so-called "time-bomb" method of torture whereby a prisoner is subjected to psychological and physical pressure including beating, suffocation until he loses consciousness, violent shaking and sleep and food deprivation aimed at inducing "an explosion" of the prisoner to confess or die. A former detainee who testified before the Special Committee admitted that he had confessed to offences he had not committed only in order to stop the torture and that this happened often with detainees. The Special Committee was informed that some 750 Palestinian detainees were currently subjected to interrogation methods amounting to torture. In addition, the Committee was informed that more than 40 Palestinian detainees in Israeli prisons were currently believed to be in solitary confinement. Witnesses indicated to the Special Committee that a prisoner may be placed in solitary confinement for up to eight months without being brought before a judge.

813. By cancelling an interim injunction prohibiting the use of physical pressure during the interrogation of detainee Abed Belbaisi in January 1996, the Israeli High Court of Justice for the first time allowed the GSS to exert physical pressure, including violent shaking described in the "exceptional dispensations" continuously accorded to it since October 1994, which amounts to torture.

814. The Special Committee was informed that the transfer of prisoners to Israel from detention centres in the occupied territories, the reduction of the number of military courts from five to three and the consequent transfer of files had resulted in chaos, with numerous files missing. The removal of the military courts from towns to settlements reportedly meant that Palestinian lawyers had to undergo humiliating body searches at times and, even when leaving, had to go around Jerusalem. The Committee's attention was drawn to the fact that the sentences for certain offences had become harsher:

> "Since 1967 until the peace negotiations in Oslo, Cairo and Taba, the average sentence for stone-throwing for instance would have varied between three months and five months. Today, for the same offence, the minor is sentenced to more than 10 months."

The Special Committee's attention was drawn to the distinction in age between Palestinian and Israeli minors: 13 years for minors from the West Bank, 16 for Arabs from Jerusalem or Israel. Jewish Israeli citizens are reportedly considered minors up to the age of 18.

815. In addition to the disproportionate leniency of the sentences passed on Israelis as compared with the severity of those meted out to Palestinians, one of the characteristics of the administration of justice by Israel is the procrastination regarding Palestinians. The trial of one Palestinian prisoner named Rantisi was postponed 21 times. Another prisoner was made to sign a confession written in Hebrew that was only read out to him in Arabic. The

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Special Committee was informed about complaints that the trials of numerous Palestinian prisoners were taking place within the interrogation sections of the detention centres in which they are held. It has been alleged that numerous prisoners were not aware that they were before a judge and that their detention was being extended, thus making them unable to defend themselves. There was reportedly no access to lawyers on the part of Palestinian prisoners in numerous cases and their families were not informed about the trials. For example, also as a result of procrastination four Palestinians who had been injured by the police on the Temple Mount in 1989 and who petitioned the High Court of Justice for compensation and whose case was transferred to a special interministerial committee appeared before that committee only in December 1995. It has been alleged that there is a policy to keep prisoners in detention as long as possible: prisoners may reportedly spend six to seven months in prison for an offence for which they would have received a three-month sentence. The Special Committee has also been informed that the representatives of the Israeli authorities have admitted to the destruction of land records in connection with land disputes, despite the fact that land ownership files should be kept indefinitely.

816. Although the number of violent incidents between Israelis and Palestinians involving injury and loss of life has diminished during the period under review because of fewer physical contacts between the two communities, nevertheless, it has been reported that the new rules for opening fire in the West Bank and Jordan Valley after the withdrawal of the Israeli army from seven towns in the West Bank were stricter than before. The functioning of undercover units, including in the Gaza Strip, has continued. Extrajudicial killings have also continued to take place, such as that in Malta of Fathi Shakaki, the leader of the Islamic Jihad movement, in October 1995 and the killing of Yehya Ayyash, believed to be the principal bomb maker for the Hamas movement, in January 1996. In February 1996, Amnesty International issued a report claiming that some 150 Palestinians had been killed by the Israeli security forces since the implementation of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area signed in Cairo on 4 May 1994. Israeli security forces were reported to have a completely free hand in all parts of the occupied territories, including the Gaza Strip. Witnesses complained to the Special Committee of frequently being stopped by the army for identity checks on roads. Casualties have also arisen from the accidental detonations of explosive devices left behind by the Israeli army after practice. Numerous injuries of this type resulted in amputations, while 23 persons, 16 of whom were under 16 years of age, were killed.

817. On 3 January, a special committee of the Israeli Cabinet headed by the then Prime Minister Shimon Peres decided not to provide compensation for Palestinians killed or injured by Israeli forces during the intifada. It has been reported that the then Minister of Justice stated that the decision would prevent the filing of compensation claims in the order of $700 million. The Jerusalem Post reported on 5 January that a number of Israeli human and civil rights organizations had noted that Israeli courts had repeatedly acknowledged the right of Arab residents of the territories to sue for intifada-related damages and had been hearing such cases for years. It is estimated that some 100,000 Palestinians had been injured by Israeli forces since the beginning of the

uprising. Many of those injured continue to need surgery, treatment and rehabilitation.

818. One of the continuous and most serious sources of tension in the occupied territories has been the existence and expansion of Israeli settlements and the construction of bypass roads to link them between themselves and with Israel. This has entailed the confiscation of large areas of Arab-owned land and has not subsided since the signing of the peace agreements. The current trend appears to be the expropriation of numerous small plots of land in Palestinian neighbourhoods, especially around Jerusalem. The pursuit and consolidation of the settlement policy is a serious violation of international humanitarian law, in particular of article 49 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. While it declared a freeze on the building of new settlements when it came to power in 1992, the Labour Government allowed the unabated expansion of the existing Israeli settlements by private companies, sometimes tripling their size. For example, it has been reported that settlers from the Efrat settlement even took advantage of the closure of the occupied territories to seize land and prepare for the construction of new housing.

819. The single most alarming step taken so far by the new Likud Government in Israel and the biggest threat to the peace process is the decision taken by the Cabinet on 2 August to put an end to the four-year freeze regarding the construction of settlements imposed by the previous Government. The Prime Minister of Israel is reported to have described the move as one aimed at "correcting the discrimination against Jewish settlements in Judea, Samaria and the Gaza Strip". Instead of a ministerial committee, the Prime Minister and the Minister of Defence now have decision-making power on settlement expansion. On 12 August, the Minister of the Interior pledged to allocate NIS 15 million (approximately $5 million) immediately in emergency aid to settlements, which was part of a reported NIS 40 million budget earmarked for settlements for 1996 and 1997. Settlement expansion began on 12 August, when 300 mobile homes were allowed to be stationed in settlements in the West Bank. The Special Committee was alerted to the imminent construction of the Har Homa settlement. Settlements also pose an environmental threat to surrounding Palestinian agricultural land into which their wastes are drained.

820. In his report to the International Labour Conference at its 83rd session, the Director-General of ILO stated the following about settlements:

> "In addition to the political problems raised by the establishment of Jewish settlements in the occupied territories, it has a considerable impact in two areas: the confiscation of land and water resources and relations between settlers and the local Palestinian population. New settlements are built or existing settlements extended on land seized by the Israeli army, either directly for this purpose, or initially as a site for a military camp, which is subsequently adapted for use (private dwellings, offices, shops or farms). This process also involves the construction of road networks, access roads for use by settlers and bypasses providing a direct link between the settlements and Israeli towns, as well as between the settlements themselves.

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> "Palestinian sources estimate the amount of land confiscated since the signing of the Declaration of Principles up to August 1995 at 166.4 square kilometres, not counting 17.8 square kilometres of unofficial confiscation by settlers. Out of a total of 194 settlements, 60 are estimated to have been extended in this manner during the same period.
>
> "This situation is a source of constant tension and has repeatedly brought the peace process and negotiations to a halt, if not to a complete standstill."

821. The situation of Palestinian landowners is difficult in view of the fact that land registration in the occupied territories reportedly stopped in 1967. This is why the Israeli Government has proclaimed 66 per cent of the West Bank to be state land. Those rejecting claims that a piece of land is state land have to prove their possession through cultivation for 10 consecutive years, without any proof of ownership of the State of Israel given by the authorities. The Special Committee's attention was drawn to the fact that the objections committees were administrative and not judicial bodies and were therefore not subject to normal rules of procedure and normal use of evidence. Since the decree on absentee property is reportedly applied in such cases, the Israeli authorities, who have unlimited resources compared with the Palestinians, reportedly often produce aerial photographs of a given area in order to prove that it has not been cultivated. In addition, the maps used by the Israelis are reported to be usually made on an inappropriate scale.

822. The Special Committee's attention was drawn once again to the situation of the Jahalin Bedouin tribe, which has been receiving eviction orders in recent months. An estimated 3,000 to 3,500 Jahalin were last ordered on 28 May to vacate the land that they inhabit next to Maaleh Adumim, the largest settlement in the occupied territories, housing 15,000 persons, to make way for the settlement's expansion. The Jahalin tribe was already forcibly evicted by the Israeli authorities from a site in the vicinity of the city of Arad in the 1950s. The Jahalin are being evicted from land they currently inhabit that belongs to two villages in the West Bank on the grounds that it constitutes state land, despite open admission by the authorities that the land records have been destroyed and the lack of proof that the land is state land. The Special Committee was informed that an Israeli environmental study of the alternative site offered to the Jahalin, a garbage dump where radioactive waste from Israeli hospitals is thrown, declared it unfit for human habitation. Attempts to evict the Jahalin with noise and dust have persistently been made through intensive construction activity less than 100 metres from the site they occupy. In addition, an attempt was made to issue demolition orders against the tents and tin shanties in which the Jahalin live, despite the fact that such structures do not even require a building permit. On 26 August, it was reported that IDF and border policemen had evicted some 10 Jahalin families after declaring the area in which they lived a firing practice zone. It has been alleged that the soldiers carried out the operation only when women and children were in the area and that money, jewellery and other property of the Jahalin was stolen.

823. In addition to settlements, land in the occupied territories is also confiscated for the building of bypass roads. One of the recent pretexts for building these roads was to facilitate the redeployment of the Israeli army from

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the area A towns in the West Bank. It was reported in February 1996 that then Prime Minister Shimon Peres had agreed to allow the construction of five new bypass roads in the occupied territories for such purposes: west of Beitunia in the Ramallah area; near the Hatse Shomron settlement near Nablus; in the vicinity of Halhul, in the vicinity of Shamu in the Hebron area; and the fifth in an undetermined location. Another alarming development is the plan of the Israeli authorities to build a highway between the Lydda and Kalandia airports in Jerusalem, which would involve the confiscation of thousands of acres of land belonging to 12 West Bank villages and 750 acres of land adjacent to Kalandia in Bir Nabala, Beit Hanina and in Rafat. The Special Committee was alerted to the fact that bypass roads may also be used as barriers between different plots of Arab-owned land that then becomes vulnerable to confiscation. Besides confiscation of prime agricultural land, large numbers of olive, almond and fig trees and vineyards have continued to be uprooted for the construction of bypass roads. Massive land confiscation where some 100 ancient olive trees were reportedly bulldozed in one morning began in June in the area of Bethlehem. One witness described the new bypass roads:

> "These roads are not built simply as connecting streets, they are like super-highways, wider than an airport landing way! Nobody could imagine that a settlement with 300 or 500 families would need such a highway, when our towns with 400,000 people do not have roads half that size."

824. Land in the occupied territories is also confiscated for the building of quarries, often only a few kilometres outside the Green Line, in order to avoid causing environmental damage in Israel. In 1994, 10,000 dunums (3,300 acres) of the best agricultural land were reportedly confiscated from Palestinians near Tulkarm for the construction of six quarries, which are expected to supply 8 to 9 per cent of the aggregate needed by the Israeli construction industry.

825. By far the most serious situation regarding land confiscation in the occupied territories involves the area in and around Jerusalem. According to Palestinian human rights organizations, statistics exist that show that 93 per cent of the land in the area of Jerusalem had been confiscated. It has also been alleged that some 2,796 dunums of land have been confiscated since the signing of the Oslo Agreements. According to an inhabitant of Jerusalem, the Israeli authorities have tried to annex the largest possible area of empty land in East Jerusalem while at the same time maintaining outside the municipal limits the largest possible number of Palestinians. It has been reported that a total of some 120,000 Palestinians have been excluded from the Jerusalem City limits since 1967. It is estimated that currently some 72 per cent of the inhabitants of Jerusalem are Jews.

826. In his report to the International Labour Conference at its 83rd session the Director-General of ILO stated about Jerusalem:

> "It is mainly in East Jerusalem that existing settlements are being expanded, the Government having adopted a new approach in November 1992, focusing all its efforts on intensive priority construction of the City and the surrounding urban area, the borders of which have been pushed far to the north, east and south into the occupied West Bank. The fact that numerical supremacy of the Jewish population over the Arab population of

> the Old City and surrounding areas of East Jerusalem has now been secured is a matter of considerable concern for the Palestinians, as is the isolation of the City from the rest of the West Bank."

827. It ought to be recalled that the Palestinian inhabitants of East Jerusalem are under direct Israeli control and subject to Israeli laws, which theoretically offer greater protection for their rights. Nevertheless, they have been subjected to systematic discrimination. On 4 April, it was reported that the Israeli Minister of the Interior had decided to revoke the identity cards of Jerusalemites who have lived outside the City limits for more than seven years. It has been alleged that some permits were withdrawn before that time limit. The housing situation in East Jerusalem is one of overcrowding, coupled with practically no chance for Palestinians to obtain building permits, which has resulted in a large housing density gap between the Jewish and Arab populations. Jews have been encouraged to settle in housing located in East Jerusalem. Palestinian-owned houses built without a licence are systematically demolished. It has been alleged that an average of five houses are demolished every month in Jerusalem. More than 2,000 houses have reportedly been demolished since 1967, while only 600 to 700 building permits were issued to the Palestinian population during the same period. The Special Committee was informed that building licences were financially well beyond the means of Palestinian families. On 27 August, a Palestinian centre for the handicapped, Burj al Laqlaq, was the first building demolished in the Old City of Jerusalem. The housing situation has forced numerous inhabitants of Jerusalem to leave the municipal boundaries of the City, either in search of jobs or of better living conditions. The policy pursued by the Israeli authorities aimed at limiting and reducing the number of Arabs in Jerusalem, including the decision to revoke identity cards, may be described as a form of creeping ethnic cleansing.

828. Palestinian institutions in Jerusalem have been attacked and a certain number has been closed. At the end of August, the Palestinian Authority promised to close the Palestinian Central Bureau of Census and Statistics, the Palestinian Broadcasting Corporation and the Palestinian Health Council in East Jerusalem. It has been reported that the Israeli authorities have conditioned the withdrawal of the Israeli army from Hebron on the closing of a certain number of Palestinian institutions thought to be linked to the Palestinian Authority. In February, the Israeli Ministry of Internal Security decided to prohibit visits by foreign ministers and other high-ranking officials to Orient House in Jerusalem. Right-wing activists had reportedly established a camp on the road in front of Orient House, threatening passersby 24 hours a day, under the eyes of the Israeli police. It was reported on 25 August that the Palestinian Authority had closed certain of its offices in East Jerusalem: the Palestinian Geography Centre and the Palestinian Vocation Centre and the Sports and Youth Department as part of an Israeli precondition for the continuation of the peace process.

829. During the voting for the Palestinian Council, the Israeli authorities are said to have placed a number of obstacles in the way of Palestinians, which would explain in part the low voter turnout in Jerusalem. The five post offices serving as polling stations reportedly allowed only 4,500 Palestinians to vote in the City, out of some 50,000 who were eligible. It was reported that the Israeli security forces intimidated the voters by deploying in very large

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numbers around the polling stations. Police reportedly took photographs and video recordings of the voters. The conditions for casting votes by secret ballot were reportedly not fulfilled. In addition to the restrictions imposed on campaigning, such as the ban on outdoor rallies, it has been alleged that one of the reasons why Palestinians did not vote in great numbers in Jerusalem was because of their fear that their identity cards would be confiscated if their names were on the Palestinian voting register. Some passersby were reportedly forced to remove campaign posters. The police are said to have confiscated the credentials of a number of Palestinian election observers.

830. The behaviour of settlers aggravates the tension stemming from the existence of Israeli settlements in the occupied territories. The Israeli newspapers Ha'aretz and Jerusalem Post reported on 10 July that the Prime Minister had rejected President Clinton's demand that Israel abstain from building new settlements in the occupied territories. The Israeli Central Bureau of Statistics figures reportedly show that there were 96,000 settlers in 1992 as compared with the current 145,000. This indicates that the increase in the number of settlers during the last four years was bigger than at any time in the past. It also shows that the number of Israeli settlers continued to increase considerably after the signing of the Oslo Agreements.

831. Hebron is the town in the occupied territories where the behaviour of settlers has been consistently the most violent and has included physical attacks against Palestinians as well as damage to their property. The coexistence of settlers with the Palestinian population is difficult owing to the location of their settlement in the centre of the town. The low voter turnout in Hebron during Palestinian elections in January 1996 is indicative of the helplessness that the population feels in this situation. Reasons invoked by the Israeli Government for not withdrawing the IDF from Hebron hinge on certain security concerns regarding the settlers. In order to delay the withdrawal of the army, settlers have attacked Palestinians and vandalized their property. It has been reported that the Arab population of Hebron is reluctant to leave their homes after 6 or 7 p.m. for fear of provocation and attack by settlers, a situation that has been described as a form of night curfew. Law enforcement by the police, judiciary and army concerning settlers, who fall under Israeli jurisdiction and laws, continues to be lenient.

832. The Special Committee was informed about the death in November 1995 of a 14-year-old boy from the Jalazone refugee camp near Ramallah who was killed on the Nablus-Ramallah road by an Israeli settler who shot him from a distance of less than 25 metres. The army did not apprehend the settler but stormed the refugee camp.

833. It should not be overlooked that 18 Israeli settlements currently exist in the Gaza Strip. This is how a witness from Gaza described the situation:

> "The settlers occupy about 30 per cent of the area of the Gaza Strip and 1.2 million Palestinian citizens live in the remaining area. The settlements are tantamount to military barriers. They also mean the closure of roads. They mean the destruction of the land and the confiscation of land. They can also mean acts of killing and injuries."

The Special Committee was informed about the case of a shepherd aged around 10 who was severely beaten by soldiers when his sheep entered by accident an area belonging to a settlement in the Gaza Strip.

834. The Special Committee has continued to monitor closely the situation in the occupied Syrian Arab Golan. During its mission to the area, the Committee once again visited the town of Quneitra, where it observed the destruction caused by the Israelis. The Committee was informed by the witnesses who testified before it that the expression of nationalist sentiment by inhabitants of the Syrian Arab Golan continued to be severely punished. The confiscation of land and water resources has continued, while health and educational facilities for the Arab population remain inadequate. Although a greater number of students from the Golan have been allowed to study in the Syrian Arab Republic, the freedom of movement in general remains curtailed. The Committee noted with interest, however, that on 4 December 1995, six Druze women from the Syrian Arab Republic had been allowed into the occupied Syrian Golan in order to marry there. The witnesses spoke about the humiliating and harsh treatment to which they were at times subjected by the Israeli authorities upon their return to the occupied Syrian Golan. The Special Committee was informed about the curfews, which may be imposed arbitrarily by the Military Governor, and about the occasional storming of Arab houses at night. The affirmation of Syrian national identity by the citizens of the Golan continued to be suppressed by the Israeli authorities. On 14 February, some 800 policemen dispersed those taking part in a commercial strike and demonstrations staged to mark the fourteenth anniversary of their protest against the imposition of Israeli law on the Golan. The modification of educational curricula in the occupied Syrian Golan has at times even led to an insufficient command of the Arabic language by students who become aware of it when they start their studies in the Syrian Arab Republic.

835. The witnesses who testified before the Special Committee informed it that job opportunities for Arabs in the occupied Syrian Golan were non-existent. They stated that persons with advanced degrees were sometimes intentionally given trivial work by their Israeli employers. Qualified doctors are not allowed to open private clinics because their university degrees are not recognized by the State. It has been reported that some 60 to 70 qualified doctors in the occupied Golan can only find jobs as construction workers. The principal economic activity of the inhabitants of the Golan is agriculture and the main product of the region is apples. The Special Committee was informed that the Israeli authorities prohibit the sale of agricultural produce, thus creating economic dependency on Israel. In addition, they control prices and the quantity of water for irrigation available to the Arab inhabitants of the Golan and impose heavy taxes. Besides the confiscation of land, the water of the lake of Masada has reportedly been withheld from Arab farmers and diverted to the settlements. The Special Committee noted the expansion of the Katzrin settlement, where some 120 Jewish families arrived during the period under review.

836. The Special Committee was informed about the extremely harsh conditions of detention in which Arab prisoners from the occupied Syrian Golan are held in Israeli detention centres. Many prisoners have reportedly suffered injury as a result of ill-treatment. The Committee was informed that equality before the law was non-existent in the occupied Syrian Golan and that there were no legal

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safeguards for Syrians. Cited as proof was the huge contrast between the sentences passed on Syrian Arabs and those passed on settlers. It has been reported that settlers receive lenient sentences even when found guilty of murdering Syrian citizens. It has been alleged that armed settlers often engage in provocative acts against Syrian citizens. In addition, Israeli settler activities in the occupied Syrian Golan have been described as constituting a threat to the natural environment because of the intensive utilization of natural resources such as the seizure of fertile land and water resources. Environmental degradation in the Golan is also caused by the burial of Israeli industrial waste, the cutting of fruit trees and the use of pesticides, fertilizers and dyes in Israeli settlements.

837. The Special Committee received from one of the witnesses who testified before it in the Syrian Arab Republic an extensive report, inter alia, about the situation of Syrian Arab workers in the occupied Syrian Golan. According to the report, Arab workers are in general given strenuous menial jobs. Workers from the Golan reportedly do not enjoy any health guarantees or indemnities in case of illness. No compensation is said to be paid even for extremely serious injuries such as the loss of a finger. It has been reported that incremental taxes are levied on the wages of Arab workers. There is procrastination in the payment of the wages: the full wage is paid only the first month, a smaller amount the next month and even less afterwards. Israeli companies are reported to resort to declaring bankruptcy in order to avoid paying the wages of their Arab workers. This is alleged to have been the case with the Mahleket Habinyah company from Tel Aviv. In addition, companies reportedly also issue cheques without cover. According to the report, it was difficult for Syrians in the Golan to make a living from agriculture since they own only small plots of land and have to compensate by taking other jobs. In addition, Israeli dealers are reportedly assisted by the Israeli authorities to buy the harvests at lower prices.

838. The Special Committee wishes to recall the position taken by the General Assembly and the Security Council that the annexation by Israel of the occupied Syrian Arab Golan is illegal, and therefore null and void. It hopes that the negotiations concerning the Golan within the Middle East peace process will be resumed in the near future.

839. During its visit to the area, the Special Committee heard the testimony of persons from all walks of life. Many stated that the Palestinian people had been very optimistic after the signing of the Declaration of Principles in 1993 and the subsequent peace agreements. This optimism has now reportedly vanished and people feel bitterness and pain over the hunger and poverty that have ensued and fear Israeli excesses. Disappointment has also been expressed regarding the release of Palestinian prisoners. The situation in the occupied territories after the imposition of the closure has been described as a catastrophe. Anger was also voiced at the fact that Israel was destroying the image of Palestinians by portraying them to the rest of the world as terrorists. The Special Committee noted with concern that a number of witnesses regretted having to state that, in view of the current situation faced by the Palestinian population, conditions in the occupied territories during the full occupation by Israel now appeared better, especially with regard to the freedom of movement.

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840. In conclusion, it should be recalled that the international community had great expectation and hope that the signing of the Oslo Accords would usher in a new era of peace, security and hope for the people of the Middle East that would enable them to live together in harmony, dignity and mutual respect. Unfortunately, the momentum of the peace process appears to have slowed down over the past months, bringing further negotiations between Palestinians and Israelis to a virtual standstill. Palestinians now feel that these agreements are a dead letter. The redeployment of the Israeli armed forces in Hebron, which falls under the interim phase of the negotiations, has not taken place. The safe passage between the Gaza Strip and the West Bank, the implementation of which is also part of the interim phase of the peace process, has not been implemented to date. Numerous other obligations stemming from the Oslo Accords remain unfulfilled and Palestinians feel that Israel still has firm control over their lives.

841. The Special Committee recognizes that all acts of terrorism by whomsoever committed and whose principal victim is most often the civilian population are unacceptable. Nevertheless, after the suicide bomb attacks carried out in Israel in February and March 1996, instead of proceeding against the individuals who had perpetrated acts of violence, the Israeli authorities again resorted to collective punishment, which are not being implemented for the first time, against the entire civilian population of the occupied territories.

842. The impression left by the overwhelming majority of witnesses who appeared before the Special Committee was one of a general sense of disappointment and despondency in the face of continuing violations of the human rights of the people in the occupied territories. It would appear that not only had there not been any improvement in the situation of the Palestinian people, but that it had deteriorated, which has increased their suffering. The frustration and despair of Palestinians has been compounded by the fact that the deterioration of their situation has taken place after the signing of the peace agreements, which calls into question the commitment of Israel to implement them. In his opening statement at the United Nations International NGO Meeting/European NGO Symposium on the Question of Palestine, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Ambassador I. D. Ka, stated that this was a difficult time for the Palestinian people and that there was an urgent need to support the fragile achievements of the peace process.

843. The Israeli-Palestinian peace process has reached a decisive stage. If the momentum of the peace negotiations is not maintained and the agreements that have already been reached not fully implemented, the spectre of the vicious circle of recurrent violence and conflict would loom over the whole area of the Middle East. The insecurity currently felt by Palestinians as a result of the repeated delays in the implementation of the agreements and the intimidation, humiliation and punishment to which they feel they have been subjected as a result of obstacles placed in the way of the peace process pose a real threat for reaching a just, lasting and comprehensive peace. Palestinian fears are further enhanced by the intransigence of the Israeli Government and in particular by its disquieting new policy to resume the expansion of existing and the construction of new settlements in the occupied territories, which contributes actively to the deterioration of the situation in the occupied territories and is the most dangerous threat to the peace process.

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844. The momentum of the peace negotiations has to be maintained. The Oslo Agreements should be implemented in full by both sides. The Agreements have to be translated rapidly into a concrete and tangible improvement in all aspects of the lives of Palestinians for the peace to be perceived as meaningful, just and attainable. The repeated delays in the implementation of the Accords can only endanger the peace process further and could lead to its complete breakdown, which would be dangerous for the whole region. The principle of land for peace enshrined in United Nations resolutions should be maintained. The international community cannot be indifferent to the current situation and must take an active role in trying to safeguard the peace process and give it new impetus. This can be done by proposing confidence-building measures that could break through the current stalemate and revive the dialogue and cooperation between Palestinians and Israelis, in a climate of tolerance and mutual self-interest, which requires mutual respect. All parties should be made conscious of the enormous benefits of peace envisaged under the Agreements in terms of security and progress in the region. The climate of strife and bitterness of the past should give way to the beginning of an era of peaceful coexistence in the whole region.

845. The progress achieved in the negotiations within the framework of the peace process must be accompanied by full compliance by Israel of all universally accepted standards of human rights, in particular the Universal Declaration of Human Rights and the provisions of several international instruments ratified by Israel such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to a number of resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs, UNESCO, WHO and ILO.

846. The Special Committee has been conscious of the need to preserve and safeguard the peace process and expresses the hope that the current stalemate, if not deterioration of the situation, is only temporary. The international community should spare no effort to revive the peace process through the implementation of confidence-building measures in which both sides should participate with good will and a genuine commitment. Full compliance with the agreements that have already been signed should be implemented without delay.

847. The Special Committee hopes that its findings will be taken into account when concrete measures are drawn up in order to revive and give new impetus to the spirit of the recent important and historic developments that have taken place in the region. In the meantime, it wishes to recommend once more the implementation of measures that would safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories. The Special Committee reiterates that such measures would include the following:

(a) The full application by Israel of the relevant provisions of the Fourth Geneva Convention, which remains the main international instrument in humanitarian law that applies to the occupied territories, and whose applicability to those territories has repeatedly been reaffirmed by the Security Council, the General Assembly and other relevant organs of the United Nations;

(b) The full compliance with all resolutions pertinent to the question of the occupied territories as adopted by the Security Council, the General Assembly, the Economic and Social Council, the Commission on Human Rights, as well as other relevant resolutions adopted by UNESCO, WHO and ILO;

(c) The full cooperation of the Israeli authorities with UNRWA representatives and full respect by the Israeli authorities of the privileges and immunities that the Agency enjoys as an international body providing humanitarian services to Palestinian refugees in the occupied territories;

(d) The full cooperation of the Israeli authorities with the International Committee of the Red Cross in order to protect detained persons, in particular by ensuring full access of representatives of the Committee to such persons;

(e) The full support, by Member States, of the activities of UNRWA and the International Committee of the Red Cross in the occupied territories in order to enable both organizations to maintain and improve the assistance provided to the refugee population and to detained persons;

(f) The full cooperation of the Israeli authorities with the United Nations Special Coordinator in the Occupied Territories;

(g) Renewed efforts by Member States to convince Israel of the need for increased human rights protection through international monitoring of human rights. This should include enabling the Special Committee, as the main body established by the General Assembly for the protection of human rights in the occupied territories, to perform its functions more effectively by allowing it to have access to the occupied territories;

(h) Full cooperation by Israel with the Centre for Human Rights of the Secretariat as regards the implementation of human rights advisory assistance programmes in the areas falling under the Interim Self-Government Arrangements;

(i) The Special Committee would like to appeal to Israel to act in conformity with the spirit animating the peace process by giving effect to the following concrete measures:

(i) Recognize that present policy regarding settlements in the occupied territories represents the most formidable obstacle to peace and security in the region and, accordingly, halt the establishment of new settlements and the expansion of existing ones and put an end to the ongoing policy of land confiscation and the building of bypass roads; and stop exerting pressure on Arabs in East Jerusalem to sell their houses to members of the Jewish community;

(ii) Refrain from the destruction of property such as the demolition of houses and the uprooting of trees, as well as discriminatory measures concerning the use of water resources;

(iii) In view of the fact that the forced eviction of Palestinians in the occupied territories is a grave problem, we would recommend the adoption of paragraphs 1 to 4 of Commission on Human Rights resolution 1993/77, which we quote verbatim for convenience:

"*The Commission on Human Rights*

"...

"1. *Affirms* that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

"2. *Urges* Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced eviction;

"3. *Also urges* Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

"4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups";

(iv) Put an end to the imposition of closures and curfews for indefensible reasons and merely as measures of collective punishment that have a disastrous effect on the economic and social situation of the population of the occupied territories and hinder the enjoyment of a number of fundamental rights and freedoms such as those of movement, education, religion and expression;

(v) Put an immediate end to interrogation practices amounting to torture and ill-treatment; rapidly and thoroughly investigate the persons identified as responsible for such practices by independent judicial bodies and prosecute them; review and publish in full the guidelines concerning interrogation procedures so that they are transparent and in keeping with international human rights standards Israel has acceded to;

(vi) Review the situation of all Palestinian and other Arab prisoners, especially political detainees or persons having committed non-violent crimes, and expedite their release; refrain from detaining residents of the occupied territories within Israel and improve conditions of detention in conformity with the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 30 August 1955 and approved by the Economic and Social Council in its resolutions 663 (XXIV) C of 31 July 1957 and 2076 (LXII) of 13 May 1977;

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(vii) With regard to better protection of the right to life and physical integrity, establish rules of engagement for its security forces that are clear and fully respect human rights standards, and apply open-fire regulations strictly in conformity with the principles of necessity and proportionality; exercise utmost restraint in responding to outbreaks of violence and fully investigate all incidents of shooting; and put an immediate end to the activities of undercover units and, in particular, to extrajudicial and summary executions perpetrated by such units;

(viii) Exercise strict control over any abuses perpetrated by settlers, in particular with regard to their use of arms, and review the policy of arming settlers; prevent acts of violence by settlers and intervene if they are taking place; and carry out full and impartial investigations of acts of violence perpetrated by settlers and bring to justice those who are responsible;

(ix) Enforce the law equitably by ensuring all legal safeguards provided for in universally recognized human rights standards for the Arab population of the occupied territories and the prompt, thorough and impartial administration of justice, with penalties for both Israelis and Arabs commensurate with the gravity of offences committed;

(x) Allow all persons who were deported or expelled from the occupied territories to return and, where applicable, have their properties restituted.

848. The Special Committee feels that the implementation of these recommendations would contribute immensely to the strengthening of the peace process, enabling all the people of the occupied territories and in the region to live in harmony, dignity, peace and security.

849. In conclusion, we wish to emphasize that the task and mandate of the Special Committee remain as relevant today as they were during the period, facetiously described by the Israeli delegate to the General Assembly as "the Middle East Jurassic Park era". While we are unable to discern any fundamental change since then on the part of the Israeli authorities in regard to their practices in the occupied territories.

VI. ADOPTION OF THE REPORT

850. The present report was approved and signed by the Special Committee on 20 September 1996 in accordance with rule 20 of its rules of procedure.

Notes

1/ Documents A/8089; A/8389 and Corr.1 and 2; A/8389/Add.1 and Add.1/Corr.1 and 2; A/8828; A/9148 and Add.1; A/9817; A/10272; A/31/218; A/32/284; A/33/356; A/34/631; A/35/425; A/36/579; A/37/485; A/38/409; A/39/591; A/40/702; A/41/680; A/42/650; A/43/694; A/44/599; A/45/576; A/46/522; A/47/509; A/48/557; A/49/511; and A/50/463.

2/ *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 101, document A/8237; ibid., *Twenty-sixth Session, Annexes*, agenda item 40, document A/8630; ibid., *Twenty-seventh Session, Annexes*, agenda item 42, document A/8950; ibid., *Twenty-eighth Session, Annexes*, agenda item 45, document A/9374; ibid., *Twenty-ninth Session, Annexes*, agenda item 40, document A/9872; ibid., *Thirtieth Session, Annexes*, agenda item 52, document A/10461; ibid., *Thirty-first Session, Annexes*, agenda item 55, document A/31/399; ibid., *Thirty-second Session, Annexes*, agenda item 57, document A/32/407; ibid., *Thirty-third Session, Annexes*, agenda item 55, document A/33/439; ibid., *Thirty-fourth Session, Annexes*, agenda item 51, document A/34/691 and Add.1; ibid., *Thirty-fifth Session, Annexes*, agenda item 57, document A/35/674; ibid., *Thirty-sixth Session, Annexes*, agenda item 64, document A/36/632/Add.1; ibid., *Thirty-seventh Session, Annexes*, agenda item 61, document A/37/698; ibid., *Thirty-eighth Session, Annexes*, agenda item 69, document A/38/718; ibid., *Thirty-ninth Session, Annexes*, agenda item 71, document A/39/712; ibid., *Fortieth Session, Annexes*, agenda item 75, document A/40/890; ibid., *Forty-first Session, Annexes*, agenda item 71, document A/41/750; ibid., *Forty-second Session, Annexes*, agenda item 75, document A/42/811; ibid., *Forty-third Session, Annexes*, agenda item 77, document A/43/904; ibid., *Forty-fourth Session, Annexes*, agenda item 77, document A/44/816; ibid., *Forty-fifth Session, Annexes*, agenda item 75, document A/45/823 and Corr.1; ibid., *Forty-sixth Session, Annexes*, agenda item 73, document A/46/639; and ibid., *Forty-seventh Session, Annexes*, agenda item 74, document A/47/612.

3/ *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 101, document A/8089, annex III.

4/ United Nations *Treaty Series*, vol. 75, No. 973, p. 287.

5/ Ibid., No. 972, p. 135.

6/ Ibid., vol. 249, No. 3511, p. 215.

7/ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907*, New York, Oxford University Press, 1915.

8/ General Assembly resolution 2200 A (XXI).
